business and the resolution which we have had up to-day is displaced.

If the Senator will ask unanimous consent that it be taken up and considered, in that way it would not have the effect of displacing the unfinished business.

Mr. SMOOT. I am perfectly aware of that, but I have already received notice I would not have a unanimous-consent agreement for the consideration of the resolution.

Mr. GALLINGER. I suggest to the Senator from Utah that he give notice he will move to proceed to the consideration of this resolution after the other matter is disposed of.

Mr. SMOOT. Very well. Then, in order not to interfere with the unanimous-consent agreement that the resolution which has been up shall be the unfinished business, I give notice that immediately upon the disposition of the unfinished business to-morrow I will make the motion.

Mr. WILLIAMS. What is the Senator's notice?

Mr. SMOOT. I simply gave notice that to-morrow at the conclusion of the unfinished business I shall move to take up Senate resolution 19.

Mr. WILLIAMS. The Senator will move to take it up?

Mr. SMOOT. Yes.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened and (at 5 o'clock and 28 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 27, 1913, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate May 26, 1913.

APPRAISER OF MERCHANDISE.

George E. Welter, of Oregon, to be appraiser of merchandise in the district of Portland, in the State of Oregon, in place of Owen Summers, deceased.

COLLECTOR OF INTERNAL REVENUE.

William C. Whaley, of Montana, to be collector of internal revenue for the district of Montana, in place of Edward H. Callister, superseded.

UNITED STATES ATTORNEY.

Edward C. Love, of Florida, to be United States attorney for the northern district of Florida, vice Fred. C. Cubberly, whose term has expired.

APPOINTMENT IN THE ARMY.

COAST ARTILLERY CORPS.

Walter Owen Rawls, of Alabama, late midshipman, United States Navy, to be second lieutenant in the Coast Artillery Corps, with rank from May 21, 1913.

PROMOTION AND APPOINTMENTS IN THE NAVY.

Second Lieut. Alfred McC. Robbins to be a first lieutenant in the Marine Corps from the 22d day of August, 1912.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 14th day of May, 1913:

Thomas C. Pounds, citizen of California.
Jesse B. Helm, citizen of Tennessee.
John W. Bovee, citizen of District of Columbia.
Charles I. Griffith, citizen of District of Columbia.

Albert T. Weston, a citizen of New York, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 17th day of May, 1913.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 26, 1913.

COLLECTOR OF CUSTOMS.

John W. Martin to be collector of customs at Jacksonville, Fla.

REGISTER OF THE LAND OFFICE.

Richard Strobach to be register of the land office at North Yakima, Wash.

COLLECTORS OF INTERNAL REVENUE.

Louis Murphy to be collector of internal revenue for the third district of Iowa.

Samuel A. Hays to be collector of internal revenue for the district of West Virginia.

POSTMASTERS.

ARKANSAS.

N. H. Mitchell, Gentry.

CALIFORNIA.

John A. Rollins, Tulare.

FLORIDA.

Samuel J. Giles, Carrabelle.
Eva R. Vaughn, Century.
William R. Roesch, Eau Gallia.
P. S. Coggins, Madison.

NEW JERSEY.

Charles Rittenhouse, Hackettstown.
Joseph B. Cornish, Washington.

NORTH CAROLINA.

W. C. Hall, Black Mountain.
Lee H. Yarborough, Clayton.
Plato C. Rollins, Rutherfordton.
P. J. Caudell, St. Paul.
William H. Etheredge, Selma.
Duncan L. Webster, Siler City.
Howard C. Curtis, Southport.
W. D. Pethel, Spencer.
Joseph S. Stallings, Spring Hope.
John L. Gwaltney, Taylorsville.
W. H. Stearns, Tryon.
Hector McL. Green, Wilmington.

SOUTH CAROLINA.

S. M. Ward, Georgetown.
Louis Stackey, Kingstree.
Pierre H. Fike, Spartanburg.
Julius F. Way, Holly Hill.
Joseph M. Poulnot, Charleston.

SOUTH DAKOTA.

Mary Brennan, Lake Preston.

WITHDRAWAL.

Executive nomination withdrawn from the Senate May 26, 1913.

COMMISSIONER OF CORPORATIONS.

Joseph E. Davies, of Wisconsin, to be Commissioner of Corporations in the Department of Commerce, vice Luther Conant, jr.

SENATE.

TUESDAY, *May 27, 1913.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. SMITH of Arizona. I present a joint memorial of the Legislature of Arizona, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 1.

To the Congress of the United States of America:

Your memorialists, the Legislature of the State of Arizona in session assembled, do hereby memorialize and petition your honorable body that—

Whereas a great hardship has been caused to certain occupants on school land who settled thereon before the survey thereof, and who subsequently discovered that they had settled on school land, and were unable to secure title to the land so occupied as a town site, and that the State is unable to select lands in lieu of the land so settled upon: Therefore

Your memorialists respectfully pray that such legislation be enacted by Congress as to enable the State to select other lands in lieu of school sections settled upon and occupied as towns, to the end that the State may be able to make such lieu selections and leave the lands so occupied open for entry for town-site purposes, and that the occupants may thereby be enabled to obtain title to the lands occupied by them.

The secretary of the senate is hereby directed to forward a copy of this memorial to the President of the Senate and to the Speaker of the House of Representatives of the United States, and a copy to Hon. HENRY F. ASHURST and Hon. MARCUS A. SMITH, United States Senators from Arizona, and to Hon. CARL HAYDEN, Representative in Congress from Arizona, and our Senators and Representative are earnestly requested to do all in their power to bring about the legislation herein prayed.

May 9, 1913. Read third time in full and passed the house by the following vote: 29 ayes, — noes, 4 absent, 2 excused.

H. H. LINNEY,
Speaker of the House.

Passed the senate May 3, 1913, by a vote of 14 ayes, — noes, 4 absent, 1 excused.

W. G. CUNNIFF,
President of the Senate.

Mr. SMITH of Arizona. I present a concurrent resolution adopted by the Legislature of Arizona, which I ask may be

printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the concurrent resolution was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Concurrent resolution 4.

THE STATE SENATE, FIRST LEGISLATURE, FOURTH SESSION.

Whereas it has come to our knowledge that Arizona has as yet about 28,000,000 acres of unsurveyed land, or about twice as much as any other State in the Union; and

Whereas the number of filings in the land office have amounted to about 500 a month for the last past several months, and the land office is far behind with its work, and that the number of filings would be greatly increased after the lands were surveyed; and

Whereas the State of New Mexico has 6 land offices, the State of Nevada has 7, Montana 8, Colorado 10; and

Whereas there are none of the Western States that have less than five land offices; and

Whereas Arizona has but one land office, the said land office being far behind with its work and getting further behind: Now therefore be it

Resolved, That it is the sense of this legislature that there is an urgent necessity for the establishing of two more land offices in the State of Arizona; and be it further

Resolved, That a copy of this resolution be sent to the General Land Office, the Secretary of the Interior, and to each of our Members in Congress.

Passed the senate on the 5th day of May, 1913.

W. G. CUNNIFF.

May 9, 1913. Read the third time in full and passed the house by following vote: 27 ayes, 6 absent, 2 excused.

H. H. LINNEY,
Speaker of the House.

Mr. CATRON. I have received a letter from the New Mexico Wool Growers' Association and also several telegrams in the nature of memorials from citizens of my State, remonstrating against free wool. I ask that the letter and telegrams be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the letter and telegrams were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

NEW MEXICO WOOL GROWERS' ASSOCIATION,
OFFICE OF THE SECRETARY,
Albuquerque, N. Mex., May 20, 1913.

Hon. T. B. CATRON,
United States Senate, Washington, D. C.

DEAR SENATOR: We wired you to-day as follows: "We most emphatically protest against free wool, as it will positively ruin the sheep industry in New Mexico. We need 35 per cent ad valorem to exist."

I wish to inform you that our cowmen are contracting for steers in old Mexico, and these contracts contain a provision that whatever duty is taken off from the cattle shall be added to the price paid for the cattle in old Mexico. In fact, all cattle and live stock being contracted in old Mexico for importation to the United States at this time contains the above-mentioned provision. Now, how can the reduction in the duties on live stock cheapen the cost of meat to the consumer? I do not believe that a single American citizen will profit by reducing these schedules.

Trusting this information may be of value to you, I am, as ever,

Truly, your friend,

CHARLES CHADWICK, *Secretary.*

MAGDALENA, N. MEX., *May 24, 1913.*

Hon. T. B. CATRON,
United States Senate, Washington, D. C.:

Free wool will ruin us. Should have at least 35 per cent ad valorem duty to continue in business. Woolen manufactures should be entered on a pure-fabric basis and shoddies in every form prohibited from entry. Fight for us.

Jose Garcia Y. Ortega, Justinina Baca, Lorenzo P. Garcia, Jose Y. Aragona, J. Frank Romero, Ranch Supply Co., J. L. Davis, Clemente Castillo, Manuel L. Garcia, C. B. Bruton, Jack Bruton, The Becker Co., O. M. Sakarison, Allen Falconer.

ROSWELL, N. MEX., *May 23, 1913.*

Hon. T. B. CATRON,
United States Senate, Washington, D. C.:

There are over 200 woolgrowers in this county alone who are seriously affected by tariff agitation and their business stagnated. Will positively state that 95 per cent of these growers are heavy borrowers, paying 10 per cent interest on money. Again there are hundreds of herders getting $25 per month and their living, whose wages must be reduced fully 25 per cent. The State is now leasing its land, for which growers are paying 5 cents per acre, and if wool and mutton are put on the free list they can not exist, and thousands of others must suffer with them.

W. S. PRAGER.

EAST LAS VEGAS, N. MEX., *May 23, 1913.*

Hon. T. B. CATRON,
United States Senate, Washington, D. C.:

Proposed tariff legislation regarding wool spells ruin of New Mexico's greatest industry. Will throw thousands out of only possible means of employment. Denude entirely the stock ranges, unless except for sheep and goats. Obligate ten million yearly revenue. State can not raise wool or mutton at profit unless wool is protected.

CHARLES ILFELD CO.
E. ROSENWALD & SON.
STEIN & NAHM.

ALBUQUERQUE, N. MEX., *May 30, 1913.*

Hon. T. B. CATRON,
United States Senate, Washington, D. C.:

We most emphatically protest against free wool, as it will positively ruin the sheep industry in New Mexico. We need 35 per cent ad valorem to exist.

NEW MEXICO WOOL GROWERS' ASSOCIATION.
By CHARLES CHADWICK, *Secretary.*

Mr. WEEKS presented a resolution adopted by the State Board of Trade of Massachusetts, favoring the establishment of a permanent tariff commission, which was referred to the Committee on Finance.

He also presented a memorial of the National Association of Woolen and Worsted Overseers, remonstrating against the proposed reductions in the woolen schedule of the pending tariff bill, which was referred to the Committee on Finance.

Mr. SHIVELY presented a resolution adopted by the board of directors of the Chamber of Commerce of South Bend, Ind., favoring the enactment of legislation providing for protection against floods in the Mississippi Valley, which was referred to the Committee on Commerce.

He also presented a resolution adopted by the board of directors of the Chamber of Commerce of South Bend, Ind., favoring the enactment of sound banking and currency laws, which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted by the board of directors of the Chamber of Commerce of South Bend, Ind., favoring the reduction of the rate of postage on first-class mail matter to 1 cent, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the board of directors of the Chamber of Commerce of South Bend, Ind., favoring an appropriation for the purchase of suitable homes for American representatives in foreign countries, which was referred to the Committee on Foreign Relations.

Mr. SHERMAN presented a resolution adopted by the local board of directors of the National Business League of America of Illinois, favoring an appropriation for the continuance of the Commerce Court, which was referred to the Committee on Appropriations.

Mr. LODGE presented a resolution adopted by the State Board of Trade of Massachusetts, favoring the establishment of a permanent tariff commission, which was referred to the Committee on Finance.

He also presented a memorial of the National Association of Woolen and Worsted Overseers, remonstrating against the proposed reductions in the woolen schedule of the pending tariff bill, which was referred to the Committee on Finance.

ACTION ON THE TARIFF BILL.

Mr. JONES. I have two short articles in the nature of petitions to the Senate. I desire to say that the sentiment expressed in these articles is embodied in a great many letters which I have received. I ask that the articles may be read by the Secretary.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

AMEN CORNER SENDS APPEAL TO SENATE—WANTS LAWMAKERS TO ADJOURN AND GO HOME.

The "amen corner" of the Commercial Club and Chamber of Commerce, composed of Walter J. Thompson, John A. Rea, Tom Fleetwood, H. J. Rowland, Joshua Peirce, L. F. Gault, J. H. Holmes, and several other well-known men who gather almost daily after lunch and thrash over public questions, to-day sent the following telegram to the United States Senate:

"*To the United States Senate:*

"The undersigned, irrespective of party alignment, respectfully beg your honorable body to pass the pending tariff bill as speedily as possible. Any changes for the better a long struggle might effect will not compensate the country for losses of business incident to the uncertainty of the exact duties that will be written in the final draft. Knowing that there will be a new law, we think it wise to give it to the people with as little delay and friction as practicable. We subscribe to the sentiment: 'Let us have peace.'

"AMEN CORNER, TACOMA COMMERCIAL CLUB."

URGES CONGRESS TO END ITS WORK SOON—TACOMA SENDS APPEAL TO MANUFACTURERS—COMMERCIAL CLUB ASKS THAT POLITICS BE CONSIDERED AFTER NATION'S PROSPERITY.

An appeal that politics be cast aside while commercial affairs of vital importance to a continuance of prosperity in America are considered was sent to the hundreds of manufacturers who are gathered in Detroit by the Tacoma Commercial Club and Chamber of Commerce yesterday. The manufacturers are attending the annual convention of the National Association of Manufacturers in the City of Straits. The telegram was directed personally to Harry A. Wheeler, president of the Chamber of Commerce of the United States, of which the Tacoma Commercial Club is a member. The communication from Tacoma will be brought before the manufacturers by Mr. Wheeler, and, if acted favorably upon, will have a reach of nation-wide scope. It reads as follows:

"The greatest immediate need of the Nation is for the public mind to be turned away from politics and back to business. For six months it

has been known that material changes would be made in some of the tariff schedules. Long-delayed action will serve no worthy end. Trade readjustments await definite action and a fixed tariff status. We respectfully urge that a campaign be undertaken by the National Chamber of Commerce to prevent repetition of the calamity of 1894, when seven months of Senate debate on the Wilson tariff bill brought commercial paralysis upon the country. Then, as now, there was small public concern at the outset. But seven months of bitter partisan contention in the Senate stirred the public to a state of frenzy. Hope changed to bitterness, and trade collapsed utterly before adjournment came in August. To-day the people are hopeful. All are willing to accept the action of Congress in good faith and turn again to fields and market places. All of the good and powerful forces of the Nation will become active, and the forward movement will begin again when definite tariff status is established and Congress adjourns. Influence of the 400 chambers of commerce and trade organizations, carrying membership in the national chamber, can, through appeal, prove to Congress the urgent need for prompt action and early adjournment. Every day of delay adds to the danger. Every partisan speech and every partisan editorial tends to shatter public confidence and add to the growing wave of doubt and distrust. Let every good influence urge prompt action and adjournment to the end that the public mind may be turned away from politics and back to business."

TARIFF DUTY ON SUGAR.

Mr. SHAFROTH. I have received a telegram from the president of the Chamber of Commerce of the city of Denver requesting that the telegram which I present, in the nature of a petition, from various organizations in the State of Colorado, relative to the tariff on sugar, be read to the Senate. I therefore ask unanimous consent that it be read.

The VICE PRESIDENT. Is there objection?

There being no objection, the telegram was read, as follows:

DENVER, COLO., *May 26, 1913.*

Hon. JOHN F. SHAFROTH,
United States Senate, Washington, D. C.:

We respectfully request that you present the following petition to the United States Senate:

Your petitioners, the Chamber of Commerce of the city and county of Denver, being specifically authorized in this matter to also represent Derby Chamber of Commerce; Wellington Commercial Club; Sterling Chamber of Commerce; Walsenburg Business Men's Association; Gill Commercial Club; Polly Commercial Club; Consolidated Commercial Association, of Erie; Bristol Commercial Club; Johnstown Commercial Club; Antonito Chamber of Commerce; Farmers' Cooperative Association, of Hartman; Mesa County Business Association, of Grand Junction; Brush Commercial Club; Paonia Commercial Association; Sugar City Chamber of Commerce; Keota Commercial Club; Lasalle Commercial Club; Wiley Commercial Club; Kersey Commercial Club; Fort Collins Retail Merchants' Association; Fort Lupton Commercial Club; Fountain Commercial Club; Swink Commercial Club; Hartman Commercial Club; Hooper Commercial Club; Ault Commercial Club; Greeley Commercial Club; Fort Morgan Chamber of Commerce; Rifle Chamber of Commerce; Calhan Chamber of Commerce; Loveland Chamber of Commerce; Dolores Board of Trade; Haxtum Commercial Club; Merino Commercial Club; Lamar Commercial Association; Louisville Commercial Association; and your petitioners, the Denver Clearing House Association, of the city of Denver, comprising the First National Bank, Colorado National Bank, Denver National Bank, United States National Bank, Hamilton National Bank, and Federal National Bank, being specifically authorized in this matter to also represent Broadway Bank; Central Savings Bank & Trust Co.; Citizens' Exchange Bank; City Bank & Trust Co.; Colorado State & Savings Bank; Continental Trust Co.; Denver Stock Yards Bank; Fleming Bros., bankers; German-American Trust Co.; Germania State Bank; Guardian Trust Co.; Hibernia Bank & Trust Co.; Home Savings & Trust Co.; International Trust Co.; Interstate Trust Co.; Merchants' Bank; Pioneer State Bank; State Bank of Denver; State Mercantile Bank; West Side State Bank; First National Bank, Ault; First National Bank, Brush; Stockmen's National Bank, Brush; First State Bank, Aguilar; Alamosa National Bank; Aspen State Bank; First National Bank, Center; Fremont County National Bank, of Canon City; First State Bank, Brandon; American National Bank, Alamosa; First National Bank, Buena Vista; Farmers & Merchants' State Bank, Brighton; Burlington State Bank; First National Bank, Boulder; Bristol State Bank; Farmers' State Bank, Flagler; Estes Park Bank; J. N. Beaty, Manzanoa; Home Savings Bank, Fort Morgan; Burns National Bank, Durango; Bank of Crested Butte; Eaton National Bank; Erie Bank; Bank of Crook; Exchange National Bank, Colorado Springs; First National Bank, Colorado Springs; Colorado Savings Bank, Colorado Springs; Colorado Title & Trust Co., Colorado Springs; First National Bank, Delta; Platte Valley State Bank, Fort Lupton; Farmers & Merchants' Bank, Evans; First National Bank, Fort Morgan; Citizens' National Bank, Craig; Fort Lupton State Bank; First National Bank, Durango; Durango Trust Co.; First National Bank, Fort Collins; Poudre Valley National Bank, Fort Collins; Morgan County National Bank, Fort Morgan; Fowler State Bank; Fort Collins National Bank; Woods Rubey National Bank, Golden; Farmers' State Bank, Haxtum; Merchants & Miners' Bank, Idaho Springs; Greeley National Bank; First State Bank, Hill Rose; Citizens' National Bank, Julesburg; Colorado Springs National Bank; First National Bank, Englewood; First National Bank, Idaho Springs; Gunnison Bank & Trust Co.; First National Bank, Julesburg; Union National Bank, Greeley; First National Bank, Holyoke; Kit Carson State Bank; First National Bank, Greeley; First National Bank, Holly; Holly State Bank; City National Bank, Greeley; Hartman State Bank; First National Bank, Hugo; First National Bank, Glenwood Springs; Phillips County State Bank, Holyoke; Kersey State Bank; Yampa Valley State Bank, Hayden; First National Bank, Granada; Longmont National Bank; Farmers' National Bank, Longmont; Wallace State Bank, Monte Vista; First National Bank, Rifle; Union State Bank, Rifle; Merino State Bank; Olathe Banking Co.; Lamar National Bank; First National Bank, La Junta; Laird State Bank; First National Bank, Lamar; Citizens' State Bank, Lamar; First National Bank, Littleton; Carbonate National Bank, Leadville; American National Bank, Leadville; Larimer County Bank & Trust Co., Loveland; First National Bank, Loveland; Colorado Savings & Trust Co., La Junta; First State Bank, Mesita; La Junta State Bank; First National Bank, Mancos; Limon State Bank; Louisville Bank; Routt County Bank, Oak Creek; Loveland National Bank; Bank of Manitou; First National Bank, Lafayette; First State Bank, Milliken; Farmers' State Bank, Las Animas; First National Bank, Monte Vista; Romeo State Bank; Mercantile National Bank, Pueblo; First State Bank, Silt; Pitkin Bank; First National Bank, Silverton; First National Bank, Pueblo; Rocky Ford National Bank; Platteville National Bank; First National Bank, Saguache; Saguache County Bank; First National Bank, Rocky Ford; Fruit Exchange Bank, Paonia; Seibert State Bank; First National Bank, Sedgwick; Minnequa Bank, Pueblo; First National Bank, Paonia; Wiley State Bank; First State Bank, Sulphur Springs; Weldon Valley State Bank, Weldon; North Park Bank, Weldon; State Bank, Sugar City; H. H. Tomkins & Co., bankers, Westcliffe; International State Bank, Trinidad; First National Bank, Trinidad; Trinidad National Bank; Commercial Savings Bank, Trinidad; Logan County National Bank, Sterling; Farmers' National Bank, Sterling; Bank of Victor; Bank of Baca County, Two Buttes; First State Bank, Swink; People's State Bank, Towner; First National Bank, Salida; First State Bank, Wiggins; Farmers' Bank, Timnath; First National Bank, Wellington; Farmers' State Bank, Windsor; First National Bank, Windsor; First National Bank, Steamboat Springs; Bank of Telluride; Littleton State Bank; Emerson & Buckingham, bankers, Longmont; Bank of Meeker; Mesa County National Bank, Grand Junction; United States Bank & Trust Co., Grand Valley; Grand Valley Bank, Grand Valley; First National Bank, Fruita; First Bank of Fruita; First National Bank, Clifton; Palisades National Bank; Bank of De Beque; Plateau Valley Bank, Colbran; Bank of Palisades; Engle Bros., bankers, Breckenridge; First National Bank, Cripple Creek, Miners & Merchants' Bank, Lake City; Farmers' National Bank, Ault; Commercial National Bank, Salida; Guaranty State Bank, Walsenburg; Miners & Merchants' Bank, Ouray; First National Bank, Cortez; Montezuma Valley National Bank, Cortez; First National Bank, Eaton; Bank of North Fork, Hotchkiss; Lafayette Bank & Trust Co.; Costilla County Bank, San Acacio; Byers State Bank; First National Bank, Sterling; Western National Bank, Pueblo; Bent County Bank, Las Animas; First National Bank, Walsenburg; First National Bank, Montrose; Home State Bank, Montrose; Montrose National Bank; Blanca State Bank; Pueblo Savings & Trust Co., Pueblo; Hudson State Bank; Bank of Hayden; Mercantile Bank & Trust Co., Boulder; First National Bank, Las Animas; First National Bank, Gill; City Bank, Victor; H. M. Rubey, president Colorado State Bankers' Association, acting in our own behalf and of those commercial organizations and banking institutions solely who have specifically authorized us to represent them, respectfully represent:

That the enactment of the tariff bill pending before Congress, known as the Underwood bill, in so far as it proposes within three years to remove entirely all import duty on sugar, will, if enacted into law, seriously cripple and is likely to entirely destroy one of the principal farming industries of this State and one of its most important manufacturing industries, and we therefore most respectfully and most earnestly protest against such enactment. The sugar-beet growing industry and the sugar-manufacturing industry in Colorado distribute annually among the farmers of this State $10,000,000 and among workmen and for supplies and fuel $5,000,000, and these industries have been expanding. The sugar-beet growing and sugar-manufacturing industries in Colorado have more than doubled the value of farming lands within the State. Extensive irrigation enterprises are under way, which are dependent for their success and for the success of their financing upon this industry. Upon the basis of value given to good farming lands in Colorado by reason of the prosperous industry of beet raising and sugar manufacture here many farmers in this State have secured loans upon their lands for improving them and making them more productive, but will suffer serious loss, and in many instances eventual loss of their entire properties, if the value of the lands is reduced by crippling the sugar-beet raising industry here. Such result would be exceedingly hurtful to workingmen and to every business interest and landowner in the State. The Underwood bill preserves a portion of the old tariff upon most manufactured goods in this country, but in the case of sugar it proposes to wipe out the tariff entirely. We respectfully represent that such action would constitute unjust discrimination against the people of Colorado and would be unfair to them and to the people of the several States where sugar beets are now grown. We urge upon Congress that in the case of sugar it in any event make only such proportionate reduction in the tariff as it may make in the case of other products manufactured in this country, and that it do not destroy by removing the sugar duty a great industry, the continued prosperity of which is of vital importance to all our people. And your petitioners will ever pray.

DENVER CHAMBER OF COMMERCE,
By EDWARD J. YETTER, *President.*
DENVER CLEARING HOUSE ASSOCIATION,
By G. B. BERGER, *President.*

Mr. THOMAS. Mr. President, my colleague [Mr. SHAFROTH] very properly complied with the request of the Denver Chamber of Commerce by introducing the somewhat unusual document which has just been read to the Senate. I say "unusual" because it reads more like a State bank directory and a directory of chambers of commerce and commercial associations than anything else. But I can not allow the introduction of that document to pass without saying something about it, because, otherwise, it might be accepted by the country as the reflection of the actual public sentiment of the people of my State upon the subject matter to which it is addressed, and which I do not believe to be the case.

A campaign has been carried on for a number of months in Colorado—and I presume in other States—by what I am pleased to call the Beet-Sugar Trust, its purpose being to manufacture an artificial public sentiment in its behalf and to bring the pressure of that sentiment to bear in this particular instance upon the two Senators from the State of Colorado. This document is one, and perhaps the most extensive, instance of its expression, indicating how widespread the propaganda has been.

Mr. President, during the campaign of last year I was opposed, not personally, but opposed by the interests whose activities have resulted in and which have prompted the telegram which has just been laid before the Senate. The ques-

tion of sugar and the tariff therefore became an active issue in the campaign in my State. The various phases of the question were therefore freely discussed both on the stump and in the public press. The people at the polls expressed themselves upon the subject by their election of my colleague and myself. That ought to have sufficed to outline the popular sentiment of the people of my State. But the fact that tariff changes were intended, the fact that there would be a general revision of the tariff downward, has doubtless aroused the apprehension as well as the self-interest of the beet-sugar people into the making of a stupendous effort to create and afterwards to circulate what purports to be an aroused public opinion which, though not wholly unfounded, has no extensive basis in fact.

This propaganda, Mr. President, so far as I am personally concerned, has taken this shape: I have received every day during the past two or three months a great many telegrams and letters, coming in bunches, so to speak, first from one place and then from another, signed by personal friends, by banking institutions, by chambers of commerce, by political committees, both Democratic and Republican, and all using the same expressions in substance, and sometimes using identical language, and all urging me to oppose the sugar section of the bill. The next day I would receive a basketful of similar communications from another section of the State or from another city, and so on, each one of them being the evident result of inspired action through communication by the telephone or the telegraph or by the visits of agents and representatives to these different communities. All these letters and telegrams bear a family resemblance. They are plainly prompted by a common interest and designed for a common end—the protection of the Sugar Trust through a manufactured plea from the body of the people seemingly concerned for themselves alone. And these communications, in many instances, have been followed by personal explanations from personal acquaintances and friends sending them to the effect that they had done so at the request of some friend or employee of a sugar company, which had paid all expenses. These letters and telegrams have also been accompanied by newspaper articles, editorials, communications, and so forth, all bearing upon the same general proposition, and all having for their purpose a common object.

On the other hand, Mr. President, I have received almost as many letters from individuals and from some associations not connected with this propaganda, but entirely separated from it, each and all of them bearing the assurance that the great heart of the Democratic masses in the State throbs in unison with the policy of the administration, of the Congress, and of the Democratic Party, and urging the enactment of the Underwood bill.

I have said that this was an inspired crusade. If I had the time, I think I could demonstrate it by the introduction here of a great number of communications. I shall content myself, however, with two or three merely as an antidote to what otherwise would be an erroneous impression created, and intended to be created, by this telegraphic petition, representing so many banks and chambers from so many places. This morning I received a telegram dated Brighton, Colo., addressed to myself and my colleague, as follows:

> The undersigned members of the Democratic Party of Adams County, a farming district where sugar beets is an important crop, earnestly urge our Senators and Representatives to stand firmly with the administration in its effort to remove the tariff on sugar.

Of course, this assumes that to be the purpose of the bill.

> We have no sympathy with the so-called Democrats in this or any other State who permit their selfish interests to interfere with a great national reform.

This is signed by J. F. Jones, chairman of the county central committee. It also contains the names of some prominent individuals, as follows:

> George M. Griffin, clerk district court; E. B. Moore, assessor; R. S. McNatt, ex-assessor; W. O. Stillwell, treasurer; E. E. Sauve, clerk; Wm. A. Maxwell, editor; J. P. Higgins, water commissioner; Herman J. Schloo, sheriff; E. G. Jones, coroner; J C. McCann, county physician; V. H. Wright, attorney; W. C. Hood, jr., county judge.

In many instances commercial bodies have declined to respond to this call of distress, this command, this effort to secure an expression of public sentiment in the interest of a great monopoly. I may refer specifically to the cities of Grand Junction and Fruita, in Mesa County, which is in the heart of one of the sugar-beet districts in my State I might refer to a number of farming associations where resolutions to the same effect have been introduced, but voted down.

I have received a good many letters from employees in some of the sugar mills in my State urgently beseeching a departure from the policy of my party and from its purpose to the end that a local industry may not suffer because they fear that they must bear the consequence of any injury to it. I knew that these letters were all inspired, for they were all alike, and in proof of it I received a day or two ago the following letter:

> 408 BAKER STREET,
> *Longmont, Colo., May 19, 1913.*
>
> Hon. CHARLES S. THOMAS,
> *United States Senate, Washington, D. C.*
>
> DEAR SIR: Inclosed with this letter you will find one of the statements of the Great Western Sugar Co., which were recently distributed to its employees at the factory here in Longmont.
>
> You will no doubt receive a few letters from employees of this company here, as they are compelled in an underhanded way to either write them or take chances of losing their jobs by refusing, as you can readily see by one paragraph of their statement which I have marked.
>
> Seventy-five per cent of the employees at the factory here are Democrats and understand the tariff question quite well. They also are familiar with the principles of the Democratic national platform and are fully aware of the fact that you were elected along with Hon. JOHN F. SHAFROTH to the United States Senate to maintain the principles of Democracy for the benefit of all of the people of all of the United States. Many of us employees of this company placed ourselves and families in jeopardy during the campaign of 1912 and 1913 by refusing to sign certain petitions gotten out by the company in favor of the Republican Party and the tariff question. I was employed at the factory all of last summer as pipe fitter, and during the beet run last winter and winter before I was employed as engineer on Corliss engine, being laid off at the close of the last run. I applied for employment last month and upon asking the superintendent, Mr. Modru, for work he immediately asked me what were my political views at the present time. My answer was they are the same as they have always been, according to the dictations of my conscience. He said he had been informed that I had radical views politically and otherwise, and that he had discharged several men on that account. After talking with him for some time and all the time realizing my position in regard to the necessity of employment for the benefit and support of my family and at the same time trying to uphold my individual independence politically and otherwise he finally told me that he would talk the matter over with the master mechanic, and said he would write me in a few days. Four days later I received a letter stating that I could report for work on the next Monday morning. I reported for duty and was put to work running a planer in the machine shop. After working six days I learned from the timekeeper that I was only rated at 22½ cents per hour instead of 27½ cents, which I was being paid previously.
>
> I immediately went to the superintendent and asked the reason for the reduction and asked for more pay. He told me that it was the best he could do at this time, stating that many men were receiving that and less, blaming the unsettled conditions upon the tariff situation. So I asked for my time and quit right there after telling him it was too low pay for such work to support myself and family on respectably. During the last campaign they got out a chart showing the cost of the production of sugar throughout the world and placed the average wages in American factories at $2.99 per day, when at the same time many men were receiving the pitiable sum of 17½ cents per hour, and the vast majority 20 cents per hour. In closing will say that I know it would be useless to apply for work with them again. And my case is only one of many. So you can readily understand the workman's situation under such conditions, which are a disgrace to the people of this Republic.
>
> I have been a Democrat all my life and will fight the rest of my days to uphold the principles of pure Democracy, win or lose.
>
> Respectfully, yours,
>
> THOS. S. PRICE.

Mr. Price incloses me a circular letter, which I will read, because it sustains my contention that these communications are artificial creations sent to Senators in Washington and also laid upon the desk of the Senate in order to influence official action. It is as follows:

> THE GREAT WESTERN SUGAR CO.,
> LONGMONT FACTORY,
> *Longmont, Colo, May 12, 1913.*
>
> *To the employees of the Longmont factory:*
>
> You have heard so much of the tariff bill and its probable effect on our industry that many of you think, no doubt, that it is only a scare and that the sugar company will not be hurt by it.
>
> I want to say to each one of you in all earnestness that it is a very serious proposition to each and every employee of the Great Western Sugar Co.
>
> If the present bill, as it has been passed by the House of Representatives, should be passed by the United States Senate, which it has every chance of doing, we would not be able to pay more than $4.50 per ton for beets, if that much, and you all know that the acreage grown for $4.50 per ton will be so small that not more than two or three of our nine factories could be operated, and you all know also that idle factories mean idle men.

Let me digress here for a moment by saying that in 1903—I think that was the year—the beet-sugar factories of northern Colorado announced $4.50 per ton as a flat rate for beets, declaring then that they could pay no more than that and make any profit whatever, although they enjoyed a better tariff protection than they do at present. The farmers simply refused to grow beets at that rate, in consequence of which the factories were compelled to pay a better price, not because they wanted to, but because they had to. There was just as much truth then in their statement that they were unable to pay more than $4.50 per ton as there is in the statement that in the event of the enactment of this bill that sum will be the maximum amount which they can afford to pay for their raw materials.

I proceed with the letter.

> As employees of the company, interested in keeping the factories in operation, will you not each one write a letter to the Hon. CHARLES S. THOMAS, United States Senate, and the Hon. JOHN F. SHAFROTH, United States Senate, Washington, D. C., asking that they use their

influence to have the "free-sugar-in-three-years" clause eliminated in the tariff bill.

Your letter will have just as much influence with these gentlemen as any letter they will receive—

That is a fact, as far as I am concerned—

and we would ask that you show your interest in the State at large as well as the company you are working for by doing this, advising the head of your department when you have written this letter. If you are a Democrat and will so state in your letter, it will carry even more weight with the gentlemen, as I do not think any Democrat in Colorado anticipated any such sweeping reduction as is contemplated in this bill.

Very truly, yours, N. R. McCREERY, *Manager*.

Attached to this document is a form of letter to be used:

The following form may be used to suggest ideas—

It is necessary to suggest an idea, of course, for an ordinary laborer in a beet-sugar factory, if he is intelligently to instruct his Senators what to do, when he is himself acting upon instructions.

We prefer that a letter be written in your own words, but if necessary you may copy this one.

Be sure to send two letters, one to Senator C. S. THOMAS and one to Senator JOHN F. SHAFROTH. A third letter to Hon. Woodrow Wilson, President of the United States, Washington, D. C., will do a lot of good. If you are a Democrat, tell them so. It will carry more weight.

Now comes the form. There is no word here, you will notice, in behalf of the sugar companies; it is all for the poor farmer and the poor wageworker.

Hon. ——— ———,

United States Senate, Washington, D. C.

DEAR SIR: The undersigned respectfully protests against any law being passed that will do away with the duty on sugar. We believe that free sugar will mean the closing of many, if not all, the sugar factories in the State and the throwing out of employment of hundreds of factory employees as well as the thousands employed in the beet fields. This will mean decreased values of land and city property.

We respectfully ask your consideration of the thousands of farmers and workingmen in Colorado who will be hurt by such action.

Many of these people who are now making vigorous protest against this reduction supported you in the election, feeling themselves secure in your promise that you would not harm legitimate industry, and which pledge can not be faithfully fulfilled if you destroy one of Colorado's greatest industries by the passage of a bill calling for free sugar.

Yours, truly,

———— ————.

I think I can say without exaggeration that I have received 200 letters, couched almost in the language of this instruction, from the employees of beet-sugar companies operating in my State. Therefore I am justified in my charge that this apparently unified action in one direction by some of the people of my State is such only in so far as it represents an extensive, disciplined, and persistent campaign to that end.

These companies have made an enormous amount of money, not only upon their capitalization but upon their overcapitalization. Two of them operating in Colorado represent collectively a capital of $50,000,000, $30,000,000 of which is water, pure and simple. Yet they have paid dividends constantly upon their preferred stock; they have paid dividends a large part of the time upon their watered stock, and one of them has a surplus in its treasury in excess of $10,000,000—that is, it did have before it began this propaganda. What amount of it has been expended for that and the extent to which that expense is going to be included hereafter as cost of production I do not know. I do say, however, that neither at the time this overcapitalization was issued nor since then has any chamber of commerce, national bank, or commercial association protested against it. Yet we know that the high price of the necessaries of life and the low price of labor in this country are largely due to the fact that these protected industries have been hugely overcapitalized, and then the prices of their products—the necessaries of life—have been fixed so as to yield a profit upon not only their actual but their fictitious capital.

If protests of this kind are justifiable, why should they not call attention to these conditions as well? This fight merely means that these hugely overcapitalized industries want to retain their franchise to rob the people by taxing the necessaries of life, to the end that they may pay profits upon the capital that they have invested and upon the capital they have manufactured with printing presses and fountain pens.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Missouri?

Mr. THOMAS. Certainly.

Mr. REED. I do not want to interrupt the Senator from Colorado, but it appears that this condition of overcapitalization and watered stock in the sugar factories is not peculiar to his State.

Mr. THOMAS. Oh, not at all—not at all. My State is simply running with the rest of the pack.

Mr. REED. I have been furnished with a copy of the last report of the National Sugar Co., filed in September, 1912, in which the total capital of the company is given at $9,846,980.57, $5,000,000 of which is scheduled as "good will."

Mr. THOMAS. Certainly.

Mr. REED. I thought I would just call the Senator's attention to that.

Mr. THOMAS. The Senator might go further and say that of the $141,000,000 of capital invested in this industry all but $60,000,000 is water—good will, bad will, anything you may call it except actual capital invested. Yet it is the equivalent of capital, because it rests as an incubus upon the productive and consuming energies of the Nation.

These gentlemen who operate in my State—good men, good citizens, capable gentlemen, worthy gentlemen, many of them personal friends of mine—charge the Colorado consumer for sugar manufactured in Colorado the New York price plus the freight from New York to Denver. I have not heard any chamber of commerce or national bank or civic or political association protest against that to the Senate of the United States, yet it is the levying of tribute upon the people of Colorado. The same thing is true of Wyoming; it is true of New Mexico, and I have no doubt it is true of the State of Utah. It is these people who are doubly burdened by this tribute. It reminds one of the historic tax on tea. These sugar companies have this tariff protection arranged very much like the old negro set his coon trap. You know, Mr. President, he set it so as to catch the coon both "a-comin' and a-g'wine." In Colorado we are caught going both ways. The sugar companies catch us with a national protective tariff, and locally we are caught with the railway protective tariff. They get a profit from us, in other words, from the railroad rate and from the tariff imposed by the laws of the United States.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Utah?

Mr. THOMAS. I do.

Mr. SMOOT. I believe the Senator will admit that at least four-fifths of the sugar that is produced in Colorado is sent from Colorado to another State.

Mr. THOMAS. To other States—yes; I think so.

Mr. SMOOT. The Senator referred to the sugar factories of Utah. I will say that out of every 5 pounds of sugar produced there at least 4 pounds are sent either to the Missouri River or to Chicago. The sugar has to go to places where the people will purchase it and use it. Our freight rate from Salt Lake City to Chicago is 60 cents a hundred, while the freight rate from New York to Chicago is 22½ cents a hundred; so that instead of having an advantage in the freight rate, we are at a disadvantage as between 22½ cents and 60 cents. I think not quite that difference exists in the case of Colorado.

Mr. THOMAS. I agree with the Senator, if he means that the crux of this question is more in the discrimination of railways than it is in the tariff. This is a question which never will be settled rightly until the railroads are compelled to equalize their rates over the different sections of the country and business prohibited from adding them to their charges for commodities.

Mr. SMOOT. Mr. President, I do not want the Senator to think that I fully agree with his statement, because this question of the freight rates upon sugar from the Intermountain States to Chicago and the freight rate from New York to Chicago has been before the Interstate Commerce Commission, and up to the present time the Interstate Commerce Commission has not seen fit to change them.

Mr. THOMAS. That is true, but that does not deprive the rates of their iniquitious character. It is true also, as suggested by the Senator from Utah, that the great proportion of the sugar produced and manufactured in my State has to find a market elsewhere; but it finds it at a profit. I do not object to the people of the Mississippi Valley getting Colorado sugar cheaply. What I do object to is that my people are required to pay for it, because they are charged so much more for the same thing.

Why, Mr. President, I can go to the cities of Omaha and Kansas City—at least I have been told so by men who know—and buy sugar produced in the factories of Colorado and pay the freight on it back to the factory door and get it cheaper than I can purchase it from the Sugar Trust at the factory door itself.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Iowa?

Mr. THOMAS. I yield to the Senator from Iowa.

Mr. CUMMINS. I rise to make a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. CUMMINS. Is this discussion proceeding by and under unanimous consent?

The VICE PRESIDENT. That is the opinion of the Chair.

Mr. CUMMINS. I simply wish to suggest that there is some business yet to be transacted in the morning hour, and if the discussion is likely to consume the entire morning hour I should feel it my duty to object.

Mr. THOMAS. I will yield the floor in not to exceed 10 minutes, unless I am interrupted.

Mr. CUMMINS. I have no desire to take the Senator off the floor. I only want a portion of the morning hour reserved for the business assigned to it.

Mr. THOMAS. Mr. President, when the session opened I had no idea that there would be any discussion of this subject. But in view of the presentation of this petition from my home city I felt it my duty to say something, and in connection with what I have presented I was necessarily obliged to elaborate somewhat upon the general proposition.

In this connection I want to read an editorial which I have just received from Swink, Colo., where there is another very large sugar factory, merely for the purpose of showing that the people of the State, the consumers, the men who do the work and pay the taxes, are not here petitioning the Congress of the United States to take any specific action in behalf of a highly protected interest by means of which their tariff burden will be continued. It is headed—

DON'T WORRY ABOUT SUGAR TARIFF.

SWINK, COLO., *Friday, May 23, 1913.*

Regardless of the amount of discussion that the Underwood tariff bill (providing for the removal of tariff on sugar and other things) has caused, farmers of the fertile Arkansas Valley are very little worried.

Our farmers realize that this vast, rich, and productive area of the best soil in the golden West will produce melons, alfalfa, and many grains and grasses, as well as fruits, vegetables, etc., that will enable them within a short time to forget that sugar beets ever were an income producer. And the market never will be glutted, either, with the quality of excellent products such as can be grown in this valley.

True, it may be, that sugar beets have added much to the wealth of a large portion of this valley, but it is just as true that our resourceful farmers can easily turn their hands to some other line to which both they and this splendid soil are so well adapted.

Farmers of this section of the valley are not inclined to guzzle down a lot of hot air about certain things that are "sure to happen" to them and "the whole country" if certain tariff measures become a law and sugar-factory attachés' salaries are reduced to help make up for what the trust will "lose" in favor of the consumers.

To be sure, our farmers are entirely too wise to be fooled, and they well know that they can and will produce just as much revenue-bringing products as ever before and that they will get that revenue, tariff or no tariff, and the market will not be flooded except with the highest grade of foodstuffs such as are in daily demand.

And right below it I find this significant statement:

BUSY AT A. B. S. FACTORY—

That is, the American Beet Sugar factory—

TO BE LARGEST AND BEST IN STATE, ACCORDING TO REPORT—BIG IMPROVEMENTS WILL COST A PRETTY PENNY.

The following news item, bearing a Rocky Ford date line in the Tuesday edition of the Pueblo Chieftain, paints a very rosy word picture of the progressiveness of the American Beet Sugar Co., and is optimistic to say the least:

"The factory of the American Beet Sugar Co. is the busiest place in the city at the present time and the largest gang of men ever employed during the off season is now at work there. A large sum of money is being expended in the alterations and improvements which, when completed, will make the Rocky Ford factory the largest and best in the State.

"With the present outlook on tariff regarding sugar the company realizes that if it is to continue the manufacture of beet sugar it must devise every plan possible to manufacture the product with as little expense as possible, and improved machinery will be installed to do all the work possible, thereby keeping the pay roll down to the minimum."

Presages and prophecies of disaster surcharge the atmosphere in Washington; activities and increasing expenditures for expanded production are going on at home.

Mr. President, while I have the most profound respect for petitions sent to myself or to the Senate of the United States from my State, while I am a Member of that body, while I believe they should be given the utmost consideration, I want to say here and now, and I think I speak for my colleague as well as myself, that I was sent here by the people of my State, by the producers and by the consumers, by men and women who are not organized, who have no lobby, who are possessed with no great fund to go out through the highways and byways of the State, seeking and obtaining favorable action in their behalf by the great banks and associations. They are the toilers and the taxpayers, the common people, as Mr. Lincoln called them. It is their interest and their welfare, their wants and their desires that I propose to represent and promote in the Senate of the United States to the best of my ability. They look to us for relief, and we shall not disappoint them. I shall support the measure known as the Underwood bill as that measure comes to the Senate from the hands of the party to which I belong, and they will judge me as I shall deserve.

Mr. THORNTON. Mr. President, I am aware that I have no right in this morning hour to make a speech to the Senate on the sugar feature of the Underwood tariff bill, but in view of the discussion which we have had and in further view of the fact that I have some letters here bearing somewhat on the subject, which I propose to have incorporated in the RECORD, I want, if I may receive permission, to address the Senate for a time not exceeding 10, certainly not 15 minutes. As I hear no objection, Mr. President, I will proceed.

Mr. President, on last Thursday my esteemed and very genial friend, the senior Senator from New Jersey [Mr. MARTINE], in an effort to counteract what he considered the effect of what he kindly called a calamity howl of the southern sugar planters, briefly addressed the Senate, and I shall now read as a part of my remarks his own remarks:

Mr. MARTINE of New Jersey. As I have said, Mr. President, I will take but a moment. I ask the courtesy of the Senate to say that, in view of the fact that for the past two months we have had one long doleful and tearful tale on the sugar question to the effect that the planters of the South would be annihilated at one fell swoop. I felt that it would be refreshing, at least, to have the testimony of some others not belonging to that particular class.

I have clipped from a prominent paper published in my State, the Newark Evening News, the statement of Mr. George F. D. Trask, a gentleman whom I know, a man of wealth and large business interests, living in Orange, N. J. He writes to Representative MCCOY, thereby putting himself on record as one exception in believing that the sugar interests are not going to be destroyed. Mr. Trask urges that free sugar will advance not only the people's interests but will advance at the same time the interests of the sugar planters. He has bought and invested largely in Louisiana lands in consequence of and in the hope of this step, and he finally says:

"I am heartily in favor of free sugar. I think it will be a fine thing for the country as a whole, and that the injury which the present producers claim it threatens to them is grossly exaggerated. I do not believe that it will result in shutting down any plant or factory that ought not to be closed anyhow.

"I know that in one case a very large producer has lately added enormously to its cane-producing acreage in anticipation of the reduction or abolition of the duty."

I desire that this shall be known and go on record as the testimony of a capable, ingenious, bright, and successful business man and investor, who is willing to invest his money notwithstanding the calamity howls of the sugar planters.

Mr. President, to those of us who are familiar with the conditions of the sugar industry in the State of Louisiana, and who on account of their familiarity with those conditions are absolutely convinced that the industry would be entirely destroyed at the end of three years if the present tariff bill goes into effect, the statement that free sugar would advance the interest of the sugar planter was incredible, coming, as it was stated, from a bright, ingenious, capable, and successful business man and investor. It was still more incredible that such a man would be willing to invest money in sugar lands because he thought that the production of sugar by him would be increased in consequence of free sugar. But it was even more incredible that a large sugar-cane producer in the State of Louisiana should have lately added enormously to his cane-producing area in the hope of reduced duties or the entire abolition of the duty.

For that reason some of us here who are interested in the facts being known, took upon ourselves the responsibility of getting in communication with this friend of the Senator from New Jersey, and the result has been two letters which I will now read. The first is dated May 22, 1913.

MAY 22, 1913.

Mr. G. F. D. TRASK, *Orange, N. J.*

DEAR SIR: There appeared some few days ago in a newspaper published in Newark, N. J., an interview purporting to quote you as stating that you were interested in Louisiana lands, and that from your observations the State of Louisiana farmers could continue in sugar even if free trade in sugar became law.

Believing that you are not desirous of misrepresenting facts, I would respectfully request that you advise me at this address as to whether you have been properly quoted. Our family has been for many years engaged in the sugar business in Louisiana, and we have endeavored to apply to our affairs the most approved and improved methods in field and factory. We wish to state that even with the present tariff we have found many years unprofitable, and we can hardly conceive of any local conditions that will make sugar production profitable in Louisiana with any radical change in the sugar duty, to say nothing of the distress and disaster that would occur if free trade in sugar became law.

Should you have good reason for thinking otherwise I would thank you to so advise me and will appreciate your so doing.

We are glad to learn that you are interested in our State, and with the assurances of respect we anticipate the receipt of your reply.

Very truly,

JULES GODCHAUX.

NEW WILLARD HOTEL, *Washington, D. C.*

The writer of this letter, as appears, is a cane producer and sugar manufacturer in the State of Louisiana. He is known to many Senators here, having been here for some time engaged in the effort of appealing to their reason and to their sympathy, also to try to enlist them and their sympathies in the effort to prevent the destruction of one of his principal means of livelihood, an effort which is characterized by the Senator from New Jersey as calamity howling, and which may be con-

sidered by some others as insidious lobbying, but considered by the gentleman and by myself as a most earnest and legitimate effort to try and save himself and a large portion of his State from this impending blow.

Now, I will read the answer:

S. F. HAYWARD & Co.,
New York, May 24, 1913.

Mr. JULES GODCHAUX,
The New Willard Hotel, Washington, D. C.

DEAR SIR: I received your favor of the 22d yesterday evening, in which you ask me whether I was correctly quoted in a newspaper article printed in Newark, N. J., which stated that I was interested in Louisiana lands and believed that Louisiana planters could make sugar profitably under free sugar.

I have not seen the newspaper article which you refer to, but I have never made the above statement. I do not own any land or any interest in sugar lands in Louisiana. I have never expressed the opinion that the sugar planters of Louisiana could make money under free sugar; I do not know whether they could or not.

I am in favor of a reduction in the present duty on sugar and of its ultimate abolition, and I did express myself to that effect in a recent letter to my Congressman, which I was afterwards told did find its way into print, although I wrote it without that intention. In that letter, however, I did not mention the State of Louisiana nor state that I had any investment there.

My opinion that the present reduction and ultimate removal of the sugar duty is desirable does not depend on the question of whether the sugar planters of Louisiana can pursue the industry profitably under free sugar or not. I hope they can, especially those who run their business capably. But even if they can not, I believe that the benefit of free sugar to the country as a whole should outweigh in the minds of our legislature the losses which may be incurred by those domestic producers who have to depend for their profits on the artificial price which has heretofore been secured to them by a high duty.

Yours, respectfully,

GEORGE F. D. TRASK.

Mr. President, this investigation was made and these remarks have been addressed to the Senate because of what we knew was a misconception of the Senator from New Jersey, who, from my knowledge of him, on account of the probity of his character and the goodness of his heart, I know would never intentionally misstate a fact or try to do an injury to anyone.

Mr. MARTINE of New Jersey. Mr. President, in order that I may square myself with the Senate of the United States I have this to say: The article which I read stands for itself. The Newark News is a most reputable paper, probably a paper of the largest circulation in the Commonwealth of New Jersey. I read the article verbatim, and that which has been quoted is, I believe, it in its entirety.

Now, as to the final rendering of the letter, I feel that my position is not shaken a whit. I believe and Mr. Trask believes that in the reduction, even to free from duty, the good of the whole country will be enhanced; and that is verified by the quotation that I made, and again verified by the quotation made by the Senator from Louisiana.

I had no purpose to misrepresent anybody, but I saw immediately after I made the quotation that there was a disturbance. A couple of distinguished Senators on this side immediately came to me and wanted to run down the story. They wanted to find out who the man was. I told them he was a Mr. Trask, a gentleman in Orange, as the article stated, and he could be readily found.

Now, Mr. President, I have no desire to destroy the industry in South Carolina or the industry in Louisiana or in any other State, but I do deny the right of the Senators from South Carolina or from Louisiana to come to the people of New Jersey and demand that they shall hold them up by the chin in order that their heads shall not get under water. God knows we have been doing it for 125 years.

I quoted the calamity howler, but I did not mean so badly when I said "calamity howlers." They are real generous gentlemen, big hearted and kind, most delightful in their way, but they were willing to touch cotton, and I say that we have prospered under free cotton, and I believe we can prosper under free sugar.

I am not a sugar planter, but the Lord knows I have heard how long or how necessary it was to maintain a tariff in order to hold the planter's head up or the farmer's head. I have listened to the song of praise of the farmers with tears running down their cheeks as large as walnuts. They prayed for the poor farmer, in order to put on more tariff, but in spite of it the farmer has grown poorer and poorer each year.

The Senator quoted four farms for sale in Louisiana. I can quote you 104 farms that are there for sale. You will find farms for sale all over the length and breadth of this land.

I do say, Mr. President, that the calamity proposition which is put out by the Senator from Louisiana, that they are going to be annihilated, is unfounded and unreasonable. I do not believe any such result will occur; neither do I believe, because of the reduction of the tariff on the schedules that are proposed in the House tariff bill, that business is going to be annihilated, that stagnation of trade will come, and that the shafts and spindles and pulleys of our mills and the clang of our anvils will cease. This country will go on and grow and prosper. For practically eight months—nearly a year—every man who knows enough to be in business knew full well that the tariff was going to be reformed. They knew that the Democratic Party was to triumph. They knew that it was the principle of the Democratic Party to reduce the iniquity of the so-called protective tariff. So, then, for a year we have been living in the atmosphere of tariff reduction. If you have not settled your houses and put them in order, it is your fault. You have realized for all the year that this proposition was coming. Why, in the name of heaven, have you not adjusted your affairs? If you can not grow sugar, grow something else to profit. Why should you ask us for relief?

It seems funny that only this morning I clipped out of a paper what I shall read:

With a Democratic tariff at their very doors to be enacted into law, with free sugar to come, this fact was published May 26 in New York:

NEW YORK, *May 26.*

Total interest and dividend disbursements next month will reach $111,286,556, as against $99,543,163 in June a year ago. Of this sum stockholders will receive in the way of dividends $55,686,556, an increase of $5,943,393, while interest payments will total $55,600,000, an increase of $5,800,000.

All this has come with that horrid nightmare, that horrible pall hanging over this country of Democratic ascendancy.

I clipped from another paper the following:

[Special to the Courier-News.]

NEW YORK, *May 24.*

The New York Central Railroad system has placed an order for 179 passenger, freight, and switch engines to be delivered during the fall of this year. The locomotive company will build 159 of the engines, while the remainder will be supplied by the Baldwin Locomotive Works.

Anticipating the great result of prosperity in this country.

Another clipping I have lost. It was from the papers in New York, referring to the Baltimore & Ohio Railroad, wherein it goes on to say that they are bonding themselves for $10,000,000 for the purpose of buying 100 additional locomotives to carry the freight, 4,000 freight cars, 8 postal cars, and 96 passenger cars. All these things have been prompted in the atmosphere of stagnation, paralysis, devastation, and woe, and you unfortunate calamity howlers and you fathers of this protective tariff, I say to you, take new courage; we are approaching a brighter dawn and a better day for God and humanity. The day of governing and controlling the millions of people by the selfish doctrine of protection in order that you may tax everybody for the benefit of somebody, thank God, has disappeared from this country.

Mr. SMITH of South Carolina. Mr. President, I rise to a question of personal privilege.

The VICE PRESIDENT. The Senator from South Carolina will state it.

Mr. SMITH of South Carolina. Mr. President, my question of personal privilege is that the Senator from New Jersey [Mr. MARTINE], in laying his strictures on certain Democrats on this side of the Chamber for their seeming leanings toward protection, took occasion to specify the names of two States—the States of South Carolina and Louisiana. I should like for the Senator from New Jersey to explain by what authority or on what grounds he made the statement that he was holding up the farmers of South Carolina by the chin while they were pleading for protection.

Mr. MARTINE of New Jersey. Mr. President, I desire to make a most abject apology so far as South Carolina is concerned. God knows I had not the least thought of making any strictures on South Carolina. I realize their troubles. I was down there a couple of months ago, and I realize what they have gone through with, with their sandy soil, their dispensary system, and God knows what. They have troubles enough, and far be it from me to burden any heavier South Carolina. I had no thought of that. I did mention South Carolina. I can not say just how it came up, but there is something in the all-pervading influence—it was the ever genial, happy smile and the generous heart of South Carolina that prompted me, and God knows where I would have landed if I had kept on looking in your face a little longer. [Laughter.]

The VICE PRESIDENT. The telegram in the nature of a petition will be referred to the Committee on Finance.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CUMMINS:

A bill (S. 2377) granting an increase of pension to Joseph R. C. Hunter (with accompanying paper); to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 2378) granting a pension to Charles Franklin White; to the Committee on Pensions.

Mr. PITTMAN. At the request of the governor of Alaska I introduce a bill and ask that it be referred to the Committee on Territories.

The bill (S. 2379) authorizing the town of Juneau, Alaska, to issue bonds for public-school purposes, and prescribing the method of issuing bonds for such purposes, was read twice by its title and referred to the Committee on Territories.

By Mr. ROBINSON:

A bill (S. 2380) for the relief of heirs or estate of Thomas Daly, deceased (with accompanying paper); and

A bill (S. 2381) for the relief of heirs of James Thompson, deceased (with accompanying paper); to the Committee on Claims.

By Mr. JONES:

A bill (S. 2382) granting a pension to Willie J. Etheridge; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 2383) for the relief of Stephen J. Mulhall and others; to the Committee on Claims.

By Mr. CRAWFORD:

A bill (S. 2384) amending the act approved March 9, 1892, entitled "An act to provide an additional mode of taking depositions of witnesses in causes pending in the courts of the United States," to provide for the taking of depositions in foreign countries; to the Committee on the Judiciary.

THE TARIFF.

Mr. BRYAN submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. OLIVER submitted two amendments intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

INVESTIGATION OF ATTEMPTS TO INFLUENCE LEGISLATION.

Mr. CUMMINS. I submit a resolution, for which I ask immediate consideration.

The resolution was read (S. Res. 92), as follows:

Resolved, That there be appointed by the Vice President a committee of five Senators to investigate the charge that a lobby is being maintained at Washington or elsewhere to influence proposed legislation now pending before the Senate. The committee is instructed to report within 10 days the names of all lobbyists attempting to influence any such pending legislation and the methods which they have employed to accomplish their ends; and in giving the name of the lobbyist to give the particular bill upon which he is working, and, if it be the tariff bill, the item he is seeking to change.

The committee is further instructed to take the statements, under oath, of all the Senators as to the names of all persons who have made any representations to them during the present session concerning pending legislation, and especially concerning the tariff bill; and the inquiry shall include the character of the representation and the circumstances under which it was made, in order to ascertain whether it was a proper or improper attempt to influence legislation.

It is further resolved, That the President be, and he is hereby, requested to furnish said committee with the names of the lobbyists to whom he referred in the public statement issued by him on the 26th day of May, and any other information about them and their efforts to bring about changes in legislation now before the Senate which will promote the general welfare.

The committee is authorized to administer oaths, subpœna witnesses, and to send for persons and papers in the prosecution of said investigation.

The VICE PRESIDENT. The Senator from Iowa asks unanimous consent for the present consideration of the resolution, but the Chair is compelled to rule that, under the statute, the resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CUMMINS. Before that ruling is made I desire to suggest that there is no provision in the resolution for any payment from the contingent fund of the Senate. The statute to which reference is made by the Chair applies only when it is proposed to make a payment from the contingent fund. If it shall be found necessary in the course of this investigation, if it is ordered, to apply to the contingent fund, then that request, of course, must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. The Senator from Iowa asks unanimous consent for the present consideration of the resolution.

Mr. GALLINGER. Mr. President, we have had at various times accusations similar to the one which we have recently read in the press, that there were lobbyists about the corridors of Congress.

Mr. CUMMINS. Mr. President, if the Senator from New Hampshire will permit me——

Mr. GALLINGER. Certainly.

Mr. CUMMINS. May I ask has unanimous consent been given for the present consideration of the resolution?

Mr. GALLINGER. It has not been given.

The VICE PRESIDENT. The Chair was not advised as to the purpose of the Senator from New Hampshire in rising and addressing the Senate.

Mr. CUMMINS. My attention was diverted for a moment, and I did not know whether consent had been given.

Mr. GALLINGER. Unanimous consent has not been given, Mr. President, and the probability is that it will not be given this morning.

I was about to say, Mr. President, that charges similar to these that we are now asked to investigate are, as a rule, unsubstantial and without any real foundation in fact. At intervals the newspapers are filled with statements that notorious lobbyists are around the corridors of the Senate and of the House of Representatives; but such lobbyists are never visible to the naked eye.

While no charge has been made in any quarter against the Senate, this resolution requires Senators to state with whom they have talked and from whom they have received communications in reference to pending legislation. Mr. President, it seems to me absurd that the Senate should give its time to an investigation of that kind. Men are here who have a right to be here, men who represent great interests in this country, which, in their judgment, are imperiled. To call them "lobbyists" is, to my mind, utterly absurd; to say that they should not be here is equally so; and the suggestion that Senators should, under oath, without any charge being made against them, be interrogated as to whether friends of theirs have written to them or talked with them about current legislation is, to me, not worthy of serious consideration on the part of this body.

Mr. President, I do not know that when this resolution again comes before the Senate I shall object to it, but I do object to its present consideration, and ask that it shall lie over under the rule.

The VICE PRESIDENT. Objection having been made, the resolution will lie over under the rule.

Mr. CUMMINS. Mr. President, in view of the fact that the Senator from New Hampshire has been permitted to debate the proposition as a prelude to his objection, I think I ought also be allowed to say that I recognize the right of any interest or industry about to be affected by legislation to appear and present arguments either to individual Senators or to a committee of Senators. We are, however, at this time, I think, put in a very unenviable position. I do not know that there are any lobbyists here; none have approached me; but we have a tariff bill before us and there are a great many men here, I assume, for the purpose of putting before the Senate and its committees their reasons either for the adoption or the modification of the bill.

It is stated, with the highest possible authority from the highest possible source, that a lobby of greater proportions than ever before known fills the city of Washington, employing more illegitimate and unlawful means than were ever before employed to secure certain changes in the tariff bill, and the public is led to believe, and will be led to believe, that if any change is made in the tariff bill that is now proposed it will be under the influence of men who are termed "lobbyists."

I will not attempt to define the word "lobbyist." If he is what I believe him to be and what I have always supposed him to be, I abhor him quite as much as any Senator can; but I am not willing, so far as I am concerned, that this tariff bill shall go forward to debate and to a vote under the imputation that if any change is effected in it that change is the result of illegitimate and improper influences.

I think the country has a right to know what is now surrounding the Senate of the United States. I think it has a right to know whether Senators are being influenced by improper representations, or, rather, whether it is being attempted to influence them by improper representations. I want the country to know who are here and who are attempting in their arguments or in their statements or in their persuasion, whatever form it may take, to change the tariff bill. If there are men here who ought not to be here, if they are doing what ought not to be done—and it may be true that they are; I do not deny it—the country ought to know it, and it ought to know it authoritatively; and notwithstanding what the Senator from New Hampshire has said about the absurdity of asking Senators with regard to the representations which have been

made to them, I believe that every Senator here ought to be willing and ought to be anxious to give the country the information suggested by this resolution. It is of the highest importance that whatever we do here shall command the confidence of the people of the country. A law ought not only to be just, but the people ought to believe it to be just and believe that it has been passed with high and upright motives. This is the reason which has led me to present this resolution. When it comes before the Senate I shall address myself to it again.

Mr. GALLINGER. Mr. President, if the Senator from Iowa will permit me, the paragraph that attracted my attention particularly was that relating to Senators—that they should be summoned and, under oath, give the names of all the persons who have made representations to them concerning pending legislation, and so forth. It seemed to me that that was going further than was necessary in an investigation of the charge that was made to the effect that lobbyists are in Washington. The charge having been made in a high quarter, it ought to be investigated, and if Senators are to be investigated I have no concealment so far as I am concerned. I will endeavor to recall the scores of men who have talked with me or written to me, friends of mine, some of them from my State and some from other States, on this subject. They had a right to do it, and it was my duty to listen to them. However, waiving what seems to me a serious objection to one phase of the resolution, I withdraw my objection to its present consideration.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

Mr. OWEN. I object, and ask that it go over one day.

The VICE PRESIDENT. The resolution will go over.

Mr. CUMMINS. Has objection been made to the consideration of the resolution submitted by me?

The VICE PRESIDENT. Objection was made. The resolution will go over.

COST OF ARMOR PLATE.

Mr. TILLMAN submitted the following resolution (S. Res. 93), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be, and he is hereby, instructed to send to the Senate, as soon as practicable, the following information:

1. What is the cost of manufacturing the best armor plate per ton?
2. What would be the cost of erecting and equipping a plant for use by the Government in manufacturing armor and gun forgings?
3. Whether there is any secret or patented process or processes used in the manufacture of the best armor; and if so, who own the patents?
4. How long would it take the Government to build and equip an armor plant adequate for the needs of the Navy?

TARIFF DUTY ON SUGAR.

Mr. SMOOT. I have an editorial by Hon. Thomas M. Patterson, proprietor of the Denver News, as to the effect of free sugar on beet culture. He is the publisher of the leading Democratic newspaper of Colorado, and I ask that the editorial to which I refer may be printed in the RECORD.

Mr. REED. Mr. President, we could not hear the request of the Senator from Utah.

Mr. SMOOT. I have requested the printing in the RECORD of an editorial by Hon. Thomas M. Patterson, ex-Senator of the United States, on the sugar question, which appeared in the Denver News May 11, 1913.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

The editorial referred to is as follows:

T. M. PATTERSON TELLS WHY FREE SUGAR WOULD CRIPPLE COLORADO'S GREAT INDUSTRY—GIVES CREDIT OF SINCERITY TO PRESIDENT WILSON, BUT TAKES ISSUE WITH HIM AS TO THE EFFECT OF FREE SUGAR ON BEET CULTURE; BELIEVES SHAFROTH AND THOMAS SHOULD STAND SIDE BY SIDE WITH DEMOCRATIC SENATORS FROM LOUISIANA AND INSIST THAT SUGAR SCHEDULE BE TAKEN UP AND DISPOSED OF BY ITSELF.

Now that the tariff bill has passed the House and is in its next stage, that of correction and adoption by the Senate, I think this is an appropriate time for everybody who thinks seriously upon the subject to express his views. But I will confine this paper to one subject—the tariff and sugar.

I have always held that the present duty on sugar was abnormally high and that when a general revision of the tariff was undertaken I would insist that the duty on sugar and on every other protected Colorado product should be relatively reduced. I enthusiastically urged Mr. Wilson's nomination for the Presidency and his election, because I believed he was a statesman who would fearlessly insist upon a general tariff revision downward, and upon the removal of all unnecessary tariff props from industries which time and experience had proved could stand alone. Coupled with this was Mr. Wilson's broad statements that he would oppose in this revision the destruction or serious crippling of any important American industry. This I regarded as a necessary corollary to his general statements concerning the tariff. Just such a revision of the tariff was the crying demand of the American people.

The revision undertaken by Mr. Wilson's administration in conformity with this pledge involves an industry of peculiar importance to Colorado and a number of other Western States—that of sugar. It is a young industry—yet in its early teens. The first beet-sugar factory was built at Grand Junction in 1899. It was a failure. It was several years after that before a Colorado factory was in successful operation. The beet-sugar industry in the United States really dates from but a few years before the first successful factory in Colorado. The business had been started in other States before, but its permanent and unqualified success was doubtful until the soil, climate, and sunshine of Colorado put its success beyond peradventure. But besides soil and climatic conditions, the element of tariff was necessary to its success. Had sugar been on the free list during the last decade of the last century and it were yet there we would not be wrangling over protection to sugar now. There would be no beet-sugar industry to foster. The cane and beet fields of other countries would be supplying all the American needs.

GROWTH OF BEET-SUGAR INDUSTRY.

The tremendous growth of the industry can be told in a few lines.

Prior to 1895 practically all the sugar made in the United States was from cane only, and that was confined to Louisiana and a small section of Texas. The annual yield was in round numbers 300,000 tons.

Sugar from cane is yet confined to the same localities, and the yield, if there is any change, has decreased.

But from a negligible quantity of beet sugar in 1895 the amount now annually produced is but little short of 600,000 tons, and the growth of the industry continues to be rapid and certain.

Of this immense sugar tonnage, Colorado produces nearly one-third, or in round numbers about 200,000 tons.

There are 17 sugar factories in Colorado, with more planned. The Colorado farmers were paid over $9,500,000 for the beets they raised last year. It is difficult to conceive of a new industry making such rapid strides and reaching such prodigious proportions in so short a time. When it is recalled that as yet more than 2,000,000 tons of sugar is imported; that its per capita consumption more than keeps pace with our increase in population, and that enough to supply all of the United States and Canada and South America can be produced right here on the high plains of what was once the great American desert, some comprehension of the vast importance of the sugar industry to Colorado and the rest of the country may be reached.

PRESIDENT WILSON'S DECISION.

President Wilson has suddenly decided that this vastly important industry can now get along without any of the tariff protection it has had in the past. Although the Democratic majority in the last House of Representatives had signified its wish before the election to put sugar on the free list, the Senate had emphatically dissented, and its committee had proposed a compromise duty of about 1 cent a pound, which was quite generally conceded, until the present Congress convened, would be the basis for a settlement of the sugar controversy. It must be admitted that President Wilson is sincere in his stand for free sugar—for the three-year period for which the 1-cent duty is to endure is but a concession by the President to the representatives of the sugar-producing States. For every purpose of practical protection it is as though sugar will go on the free list immediately. If it can thrive as a nondutiable article commencing three years hence, it could soon readjust itself to the immediate withdrawal of the duty and march right along almost without a halt. The fact is that those who oppose putting sugar on the free list at any specified time—letting experience and time determine when such a change may be safely made—look upon the three years as a period for liquidation only, and that the President but mercifully allotted the time for winding up the business rather than force it into bankruptcy coincident with the flourish of the pen that will make the bill a law.

I will assume, then, that President Wilson is of the opinion that the beet-sugar industry can thrive in Colorado and elsewhere in the United States with sugar placed on the free list. To assume otherwise is to charge that he was insincere when he declared in Denver and elsewhere during his campaign for the Presidency that he favored no change in the tariff that would destroy or cripple any American industry. The President is not a hypocrite. Unless the Nation is deceived after a pretty intimate acquaintance with its new Chief Magistrate, he is frankness itself, and would scorn deception as an adjunct to his own advancement.

DIFFERS WITH THE PRESIDENT.

I differ with President Wilson as to the result of placing sugar on the free list, either at once or three years hence. While I do so I do not believe that if free it will necessarily destroy the industry; but I do believe that while it may probably live it will live a cripple. It will cease to invite capital. It will offer small, if any, inducements for the farmer to put in large crops of beets. The beet-growing industry must languish. In Colorado a number of the factories will inevitably be closed down. If the industry continues, the farmer must be content with considerably less for his beets—how much less I would not say, but considerably less—and the factories must be run with more rigid economy in every department, if that is possible. It isn't likely that the factories will all be abandoned; but there must be concentration. Once the smelting business was carried on at many points in Colorado; now it is concentrated at one or two. With the necessary cut in the price the farmer will get for his beets the acreage of beet culture must be greatly lessened. Ask the farmer for how much less he can afford to cultivate beets and his answer will convince you that profitable beet growing and sugar on the free list are almost fatally incompatible. It wouldn't require any serious cut in the price paid for beets to drive the farmers wholly to the cultivation of other crops—wheat, barley, oats, and the like.

GIVES FACTS AND REASONS.

I have said a good deal without giving the facts and reasons upon which my conclusions are based. The facts all resolve themselves into the price for which beet sugar can be made in Colorado and the United States and the price for which foreign-made sugar can be laid down in competition with it.

I suppose it is unnecessary to discuss the proposition that the cheapest sugars, when of practically the same quality, will drive the dearest sugar out of the market.

In presenting the question of the price for which sugar can be made in the United States and in foreign countries I won't cover any controverted ground. I recognize that after all the question of "cost" is the pivotal point in the controversy. Therefore I won't state even debatable facts, and will accept what is acknowledged to be the lowest average figure at which beet sugar can be made in this country and what is confessed to be the cost of foreign sugars.

CONGRESSMAN KINDEL'S FAITH.

There was printed in the News a week or more ago a lengthy article from Congressman GEORGE KINDEL, in which he justified his present

acceptance of the sugar schedule of the Underwood bill. In stating his case he becomes enthusiastic over the benefits that free sugar will bring to Colorado. He says:

"I believe the great State of Colorado will not suffer any permanent harm from the removal of the duty on sugar and that the temporary depression that might result chiefly because of the attitude assumed by the sugar manufacturers will be followed by greater prosperity than the State has ever enjoyed under the existing high sugar tariff schedule."

I am going to accept the figures of the cost of domestic and foreign sugars upon which Mr. KINDEL based this enthusiastic and optimistic conclusion. I do this because they are authoritative, besides the advocates of free sugar are constantly using them. I quote again from Mr. KINDEL'S paper:

COST OF BEET SUGAR.

"Now, as to the cost of producing sugar in Colorado, as compared with cost of production in Cuba. The testimony of Mr. Morey before the Hardwick committee, given on page 889 of the reports of that committee, is that the cost to the Great Western Sugar Co. for manufacturing 100 pounds of sugar ranges from $3.65 to $3.75. Mr. Oxnard, of the American Beet Sugar Co., testified before the same committee (Hardwick hearing, p. 400) that the cost of manufacturing beet sugar ranges from $3.50 to $4 per 100 pounds. The statements of other sugar-beet manufacturers place the net cost of beet sugar some place within that limit. A statement filed by Edward F. Dyer with the Ways and Means Committee of the House in the investigation in 1909 places the minimum cost of manufacturing beet sugar at $2.957 per 100 (H. Doc. 1505, 60th Cong., 2d sess., p. 3498). This is for beets testing 17 per cent sugar, the cost for 14 per cent beets being placed at $3.65."

It will be observed that Mr. KINDEL quotes from the testimony of Mr. C. S. Morey, Mr. Oxnard, and Edward F. Dyer, representing, respectively, the Great Western Sugar Co. and the American Beet Sugar Co. Whom Mr. Dyer represents is not stated.

The cost of producing beet sugar, according to these gentlemen, ranges from $3.75 to $3.65 per 100 pounds. Mr. Dyer places the cost at $2.95 per 100 pounds with beets testing 17 per cent sugar, and $3.65 for beets testing 14 per cent sugar.

It may fairly be presumed that Messrs. Morey, Oxnard, and Dyer made the cost of manufacturing beet sugar as high as they conscientiously could.

But Mr. KINDEL also gives the other extreme. He calls upon Edward F. Atkins and the Spreckels Co. These people placed the cost as low as they could, and Mr. KINDEL thus refers to their statements:

"But there is a difference of opinion as to the cost of manufacturing beet sugar. Edward F. Atkins, a well-known cane-sugar expert, who said he had made a careful study of the cost of manufacturing beet sugar, placed the cost in this country at $2.87 per 100 pounds (H. Doc. 1905, 60th Cong., 2d sess., p. 3360). The cost of manufacturing beet sugar given by the Spreckels Beet Sugar Co. for 1910 was placed at $2.70 per 100 pounds (Hardwick hearings, p. 2379.) The cost of manufacturing beet sugar, as given before the Hardwick committee, all coming from experts, ranges from $2.70 to $3.02 per 100 pounds. Would it not appear either that there is a vast range of efficiency among sugar producers in this country, or that somebody has attempted to deceive us?"

COST OF FOREIGN SUGAR.

While I am inclined to think that the one side puts the cost too high and the other side too low, and that from $3 to $3.25 per 100 pounds are more nearly the true figures than those given by either, I will take the lowest cost price that anyone gives as the basis of the conclusion I reach—$2.70 per hundredweight.

The cost of West India cane sugar, as the nearest and best sugar to come in competition with American beet sugar, ought to be acceptable as the basis of the cost of foreign sugar, and the cost of Cuban cane sugar is about the highest on the market.

As to the cost of Cuban sugar, Mr. KINDEL says, quoting from the same paper:

"The sugar manufacturers in this country tell us that the cost of producing raw cane sugar in Cuba is less than $1.50 per 100 pounds. Dyer, in the same statement referred to above, places the cost at from $1.021 to $1.261. The cost of refining is not above 40 cents per 100 pounds. This would make the total cost of Cuban sugar range from $1.421 to $1.661. If refineries were operated in connection with the sugar plants in Cuba it is conceded that the cost of manufacturing refined sugar would be materially reduced."

Thus we have as the very lowest price for which American beet sugar can be made $2.70 per 100 pounds, and the highest cost of Cuban cane sugar, including refining charges, $1.66 per 100 pounds.

I do not refer to the cost charge of foreign beet sugars, for it is conceded on every hand it is much less than the American article. The import duties and excise taxes on foreign beet sugar reach all the way from 40 cents per 100 pounds in the United Kingdom to $8.67 per 100 pounds in Italy. And these duties and excises and bounties in some countries are so complicated I can not fix with anything like accuracy the cost of sugar in these countries.

So we have as the cost for the making and refining of foreign sugar (Cuban) $1.66 per 100 pounds.

This puts the foreign sugar (refined) in the warehouses of New York ready for shipment to customers $1.65 per 100 pounds less than the beet sugar of the United States, estimated at the lowest possible cost price at the factories in the West.

I will not trouble myself with transportation charges to the dealers in or consumers of either the one sugar or the other, for they must nearly balance each other. In any event, there would not be enough difference between these charges to materially change the results of the difference in the cost of production.

Now, what is the logic of these facts? If the beet-sugar industry of the country will not die it must surely languish. It can be conducted with profit to neither the farmer nor the sugar maker. The results I have before suggested are as inevitable as it is that water will run down hill.

DOES COLORADO FAVOR FREE SUGAR?

I know it is claimed by others of the congressional delegation from Colorado besides Mr. KINDEL that the great majority of Colorado people are favorable to free sugar.

If they are, it is because they believe the statements made by Mr. KINDEL and Mr. KEATING. Of course, if sugar can be put on the free list and the beet-sugar industry flourish, giving to the farmers the present or nearly the present price for beets and leaving to the sugar factories a fair margin of profit, Colorado people would, like those of other communities, insist that sugar should be made free.

But the election of last fall is no index that Colorado voters entertain any such views. Conditions in the country at the last election were exceptional. The Republican Party was divided and the certainty that it was doomed to defeat made great bodies of voters indifferent to economic issues. The plain injustice of the tariff as it is outraged the public mind, so that it lost sight of details and minutiæ and gave apparent support to any extreme, whether of reduction or the enlargement of the free list. Colorado voters are as practical as those of other States, and when they will be confronted with the concrete question of the certain closing down of a number of their sugar factories, the absolute necessity for a heavy cut in the prices paid for beets or the closing down of the rest, when such questions can not be clouded with a multitude of others and Democrats must meet the cold, clammy facts as to the future of the sugar industry in Colorado by reason of putting sugar on the free list, I fear Messrs. KINDEL and KEATING and the entire Colorado Democratic ticket will realize that a large majority of Colorado voters are opposed to free trade in sugar, and will line up once more with the Republican Party.

I had no thought when I commenced this article of giving advice to the Colorado delegation at Washington. In any event, our Congressmen now represent different districts and they will be influenced by what they conceive to be the welfare of the counties that make them up; but with the Senators it is different, for they represent the entire State; they are, each of them, as it were, ambassadors from Colorado at the National Capital to keep careful watch over the welfare of all its people.

CONSCIENCE NOT TO BE CONTROLLED BY CAUCUS.

Frankly, I do not believe that any Senator should submit his conscience to the keeping of any party caucus. I do not believe that a Senator, should he believe that the material welfare of his State is linked with an industry that is threatened, should vote to make the threat good and grievously endanger that industry. When I in part represented Colorado in the Senate I refused to be bound by a caucus dictum, and I defied the Senators of my party who tried to read me out of the party because of it. It was by my vote that the treaty with Santo Domingo was ratified, and I have never regretted that vote. But, as I read the Constitution, a Senator who, on matters vital to his State or his country, yields his duty to the decree of a senatorial party caucus is false to his State and to the oath he took on entering upon his duties as Senator.

FORCING IT AS ONE BILL IS UNGENEROUS.

The course taken by the Democratic majority of the House, with the approval of the President, that welds into one great bill every schedule of the tariff, including that of sugar, and with that an income-tax bill, is ungenerous at least to every Member and intended to coerce their votes in favor of parts of the measure they disapprove of.

Mr. Wilson justifies his stand on the sugar question by the fact that sugar is an article of prime necessity and enters into the economy of every family, wherefore it should be made as cheap as possible. That putting sugar on the free list will make sugar cheaper in the end is justly open to challenge, for should free sugar destroy or seriously cripple the American sugar industry the last condition of the consumer may be worse than the first. But I make no issue on this point; only the future can determine it.

But since President Wilson lays stress upon sugar being an article of prime necessity, and bases his stand for free sugar on that as a principle, denying that it is merely a matter of policy, may I not respectfully ask, are not the staples of woolen and cotton fabrics quite as much prime necessities, and do not they enter as deeply into the economy of the American family as sugar; and how can those who favor free sugar for the reason given support and vote for duties that will average 35 per cent on every such fabric and articles of apparel made from them? The Wilson-Underwood tariff bill that has just passed the House is made up of duties imposed to protect thousands of articles that have grown into necessities. They may say the bill puts wool and cotton on the free list, they being the raw material. There will be no complaint if beets—the raw material of sugar—are put on the free list; but sugar, the finished product, just as fabrics made from wool and cotton are the finished product, should be treated as fairly and in as friendly a spirit as the latter. If this is done there will be no complaint.

DUTY OF SENATORS.

Our Senators should, it seems to me, stand side by side with the two Democratic Senators from Louisiana. They should insist that the sugar schedule be taken up and disposed of by itself. Less than two years ago the House revised the tariff, each schedule by itself, sugar being a separate schedule. Why was that course changed to one of revising the tariff in a lump? Everybody knows. It is to intimidate the weak. It is a warning, I suppose, that no matter how injurious the treatment of certain products may be to the States represented by Senators, they must vote for the bill as a whole or suffer in patronage and lose the smiles that would otherwise greet them from the White House.

United States Senators are now elected by the people. They must even be nominated in an open primary. Patronage and White House favor will not take the place of services patriotically and faithfully performed.

T. M. PATTERSON.

ARMOR FRAUDS.

Mr. ASHURST. Mr. President, I present, and ask unanimous consent that it may be printed in the RECORD, a speech delivered in the Senate of the United States on Monday, March 1, 1897, by the Hon. BENJAMIN R. TILLMAN, United States Senator then, as now, from the State of South Carolina, on the subject of armor-plate frauds.

Mr. President, the speech of the distinguished Senator from South Carolina [Mr. TILLMAN] upon the subject at that time was so forceful and so pregnant with facts that could not be and never were controverted that it now becomes illuminating in view of observations I have made upon this subject within the past few days.

When the day comes, as come it will, that this Government shall manufacture its own armor plate and thus save to the people of this country some $3,000,0000 to $5,000,000 per annum, impartial history will give, and justly give, the credit for that

saving of the public moneys to the brave old Senator from South Carolina, BENJAMIN R. TILLMAN.

I ask unanimous consent to incorporate his speech into the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The speech referred to is as follows:

"ARMOR FRAUDS.

"SPEECH OF HON. BENJAMIN R. TILLMAN, OF SOUTH CAROLINA, IN THE SENATE OF THE UNITED STATES, MONDAY, MARCH 1, 1897.

"Mr. TILLMAN. Mr. President, from my brief experience in this body I sympathize very much with the feeling of helplessness and ignorance which the distinguished Senator from West Virginia [Mr. Elkins] has confessed; and, even though I am a member of the Naval Committee and have devoted as much time as I could spare from my other duties here to the business of familiarizing myslf with the subject matter intrusted to our care, I do not feel able to give him all the light that he asks for on this question of armor. But I do feel able to give him enough light, and to give the Senate enough light, to show that there is nothing connected with the recent history of this Government—no expenditure—so reeking with fraud and so disgraceful to those who are responsible for it.

"If we go back and trace the history of this armor-plate manufacture we find that during Mr. Cleveland's first term, when Secretary Whitney began what is known as the construction of the new Navy, the manufacture of armor according to the most approved methods was an unknown thing in this country, and that there was no plant capable of performing that work. The largest steel plant in the country at that time, I believe, was at Bethlehem, and Congress wisely, perhaps—I shall not pretend to say it was not wise—entered not into a contract, but it authorized the Secretary of the Navy to enter into a contract with the Bethlehem Iron Works by which they were to construct a sufficient addition to their already large steel works to make this armor. The price fixed was away up yonder, some $600 or $700, I am not familiar with the exact amount, but it was $600 or $700 per ton, and it was generally understood in the debates and in the newspapers that the enormous price was given by reason of the fact that an enormous expenditure of three, four, or five million dollars was necessary, and the Government proposed by this large price to reimburse the Bethlehem Manufacturing Co. in the contract which would then be let for its outlay. The proof is overwhelming in these reports, in the testimony taken before the Naval Committee in the investigation last winter, that the plant at Bethlehem which was constructed in addition to what they already had has been paid for twice over by this Government absolutely, and that they have made a present of it to the Bethlehem Co.

"In a year or two after the contract was entered into at Bethlehem the new Secretary of the Navy, Mr. Tracy, finding that the delivery of armor from Bethlehem did not keep pace with the needs of the Navy, or for some other reason—that was the ostensible excuse—without authority from Congress, entered into a contract of his own with the Carnegie Works at Pittsburgh, by which they were to receive the same price for the armor that Bethlehem was receiving, and he thereby hoped, as he explained, to bring about competition in the price of armor and have two plants instead of one, and thus enable the Government to obtain all the armor it might want in the construction of the new Navy at reduced prices after a while.

"The construction of the new Navy has gone on. It is getting to be rather respectable. It has cost us an enormous sum. Last winter, when the Venezuela war scare was on, the proposition came from the House to increase the Navy by four battleships. There was a struggle here to reduce it to two, but we compromised on three, as I foretold would be the case, because there are only three navy yards in this country that can construct such ships. Each one of them got a ship, and they, in collusion, agreed as to the price they would bid on those ships, and no doubt we are to-day paying a million dollars bonus or a million and a half dollars clear profit over and above a reasonable sum for their construction.

"But the question of armor to put on these ships was under investigation by the Naval Committee, and all we could do in this body as to the reduction that should be had was to put it off and forbid any contract being let out for armor plate until an investigation was had by the Secretary of the Navy. The Secretary of the Navy made that investigation. It is here. It is full and complete. The Naval Committee has had this matter under consideration during the whole year; we have paid more attention to it than any and all else before us; and notwithstanding our ignorance—and I confess we are still ignorant—we have learned enough to know that these two companies, instead of competing with each other in the manufacture of armor, are to-day in collusion and have formed a trust; that they fix the price absolutely, without any regard to justice, without any regard to the liberal manner in which the Government has treated them in the past, without any regard to the fact that the price they have received, amounting to about $15,000,000 for plates they have already manufactured, has paid them back fourfold for the expenditure they paid out, and that they have had large dividends on account of the investment besides.

"Mr. Herbert comes forward and makes a report based on the best information he can obtain as to the construction and cost of armor in Europe, and then he takes up the reports of the Carnegie Co. and the Bethlehem Co. He went to the auditor's office at Pittsburgh to find out the profits they had returned for taxation. He analyzed every bit of the information he obtained, and here are his conclusions:

The Secretary takes as the cost of labor and material in double-forged, harveyized, nickel-steel armor the sum of	$196
He assumes that the plant costing $1,500,000 would need $150,000 per year for maintaining it, or $50 per ton upon 3,000 tons of armor, and adds to the price	50
Making	246
Or in round numbers	250
He then adds for profit 50 per cent, or	125
Making	375
And then adds for nickel to be furnished hereafter by the contractors	20
Making	395
Or in round numbers	400

"And that is the way the $400 figures have been reached. We have constructed these armor factories, we have given them to these people, we are asked to give them 50 per cent profit upon the reasonable cost of the manufacture, to give $10 extra as a bonus on guesswork, and reach $400 as the basis of the Naval Committee.

"I will say here that the reason why there is some ambiguity or a little latitude in the report of the committee as being somewhere between $300 and $400 was in order that the Naval Committee might come in here like a band of brethren upon a united report without any minority battle to be fought.

"The Senator from New Hampshire [Mr. Chandler], who has been largely instrumental in getting up this investigation, whose ability nobody questions, is here asking us to go back to $300 as a fair price, and here are his conclusions as to why that is enough.

"After the Secretary's report was received, the committee engaged in considering the question whether it would not be a sufficiently liberal allowance to take the careful estimate of the Secretary's experts as to the cost of labor and material; to allow for maintenance of the plant only three-fifths of the sum per ton named by the Secretary, and to add only 33⅓ per cent for profits on work where the plant has been in fact paid for and is maintained by the Government. A statement thus revised would be as follows:

Cost of labor and material per ton	$168
Add for reforging	12
	180
Add for maintenance of plant	30
	210
33⅓ per cent profit	70
	280
Add for nickel	20
Making the price for armor	300

"Now, Mr. President, the proposition here is to limit this price to $300 or have the Government go into the manufacture of armor on its own account rather than submit to further imposition. Those who are accustomed to hold up their hands in horror at the idea of the Government going into business, who see the specter of the Subtreasury or the Government ownership of railroads in everything brought in here to take the trusts by the throat and cause them to relinquish their grasp upon the throats of the people say, 'Oh, no; we can not have the Government do anything on its own hook except to sit down here as the agent and tool of these corporations and trusts, wring from the people their hard earnings in taxes, and turn them over to these robbers.' That is the business we are engaged in. That is what we are here for, and that is why all of this discussion is being raised here as to the Government not going into business and buying or erecting a plant of its own for the purpose of making armor. How else are we to do under the law which requires us not to purchase abroad one bolt or one scintilla of material which goes into these ships, which limits us to home manufacture? How are we to break the grasp of this trust?

"The theory advanced in this body as we heard it discussed here in regard to the monopolies in the District of Columbia in

the matter of electric lighting and gas is that Congress can regulate monopolies here, hold them down and make them put their prices at whatever we please; that we can control monopolies. I say here that the evidence is overwhelming in this electric-light business and everything else that instead of our controlling monopolies, monopolies have the Senate in their breeches pockets.

"Mr. President, I grow so indignant when I trace the history of this iniquitous business that I am apt to say harsh words, but God knows I believe every utterance I have made here is true. I would hate to believe or even to insinuate that these people have their paid agents in this Chamber. I would hate to suppose or suspect——

"Mr. HAWLEY. Mr. President——

"The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Connecticut?

"Mr. HAWLEY. Does the Senator dare to say that, or even dare to insinuate it?

"The PRESIDING OFFICER. Does the Senator from South Carolina yield?

"Mr. TILLMAN. I dare say that, as far as I can see and understand the situation here. I can explain it upon no other ground except that there must be men here who are the agents of these trusts.

"Mr. HAWLEY. I say that is a disgraceful slander, unworthy of any gentleman.

"The PRESIDING OFFICER. The Senator from South Carolina will proceed.

"Mr. CULLOM. And in order.

"Mr. TILLMAN. I might say that none but the galled jade winces.

"Mr. HAWLEY. If the Senator applies that to me, I have a very sufficient answer.

"The PRESIDING OFFICER. The Senator from Connecticut must address the Chair and be recognized before he can interrupt a Senator on the floor.

"Mr. HAWLEY. I beg the pardon of the Chair.

"The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Connecticut?

"Mr. HAWLEY. If the Senator addresses any language of that kind to me, I have a sufficient answer.

"The PRESIDING OFFICER. The Senator must not proceed to speak until he is recognized by the Chair.

"Mr. HAWLEY. I accept the rebuke.

"Mr. TILLMAN. I said I would feel ashamed to even insinuate that there were men here who are so lost to their duties to the men who sent them here and to the States they represent as to be guilty of this, but I am bound to put two and two together. I am compelled, as an honest man, to speak what I believe to be true, and so help me God, unless this be true, then I can not explain it upon any other hypothesis.

"Mr. President, to go on with the question as to the Government going into business, who conducts this vast and complex machine of handling the mails, a business ramifying into the remotest corners of this country, covering every State and county and hamlet, a monopoly created by the Government and made self-sustaining almost in spite of the facts brought out here and notorious to everybody that everything else has gone down in the last 20 years except the compensation of these corporations for transporting the mails? The cost of manufacturing steel rails is one-half what it was 15 years ago, when these contracts were begun, or 10 years ago. Everything now, almost, is reduced by reason of the shrinkage in the volume of money; yet the Armor-Plate Trust, created by the money of the Government, acknowledged by the Secretary of the Navy to be a trust, is to have its hands thrust deep into the coffers of the Treasury, into the pockets of the people, and when I get up here and try to expose their iniquities and proclaim my belief that there is dishonesty in it—fraud, peculation—I am twitted. I do not want to say anything harsh. God knows I have got enough vitriol in me now, and I could let out a heap of it. I will try to go on with the question.

"On what do I base these charges? Here is the conclusion of the Secretary of the Navy, as to his belief that there is a trust in the manufacture of armor, which I will ask the Secretary to read.

"The PRESIDING OFFICER. The Secretary will read as indicated.

"The Secretary read as follows:

"During the debate in the Senate upon the armor question at the last session of Congress, one question discussed was whether there was an understanding or agreement among armor manufacturers throughout the world to keep up prices. This was one of the questions I inquired about upon my recent trip to England and France. If there be any such understanding it is of course impossible to prove it, unless some one of those to whom the secret has been confided should betray his trust. My impression is that there is and has been for some time at the least a friendly understanding among armor contractors both in Europe and America as to the prices to be charged for armor. This impression I find prevails abroad, certainly among some of the persons who have inquired into the subject.

"Without undertaking in any manner to justify such combinations, there are reasons that would naturally induce armor contractors to agree among themselves as to the prices to be charged to their own Government, and also with armor makers abroad as to the prices at which armor is to be furnished to countries which do not manufacture it.

"Mr. TILLMAN. Here we have the representative of the Government in the control of the Navy Department, the man charged last winter by this Congress with the duty of investigating this question, and who has done it fully and thoroughly, proclaiming his belief in a combination, and yet he has acted so liberally that after arriving at such a conclusion he allows them 50 per cent profit in order to make the price $400.

"What other business in this country, except that of those conducted by trusts and monopolies, now earns 50 per cent, or 30 per cent, or 20 per cent, or 10 per cent? Why are these millionaires to be given 50 per cent profit after we have created the factories and presented them to them? Why, I ask, unless, as I said, it be because they have their 'friends' in this Chamber?

"Mr. President, if the statement were made, the proof produced that the Treasury was to be looted to the amount of two or three million dollars in a transaction, and there was no doubt about it, and men got up here and said, 'We can not help it; we must let this go on; we can not have the Government go into competition in business; we have got a monopoly here, created by ourselves, two corporations in combination; they have the Government down; they have their hands in our pockets, and we can not help it,' what other conclusion can be reached but that we are sharing in the booty? Let me ask why we can not help it? We can help it if Senators will rise to a sense of their duty, will consider that the country is looking at us, and we are already considered a body disgraced by reason of our lack of ability to do business according to the dictates of Wall Street. We do not hurry up enough. We do not obey orders. The touch of the electric button between Wall Street and the Senate has been broken somehow in the last year or two on the financial issue; and the newspapers are turned loose on us like a pack of sleuthhounds to abuse and slander and misrepresent the Senate. If the Senate does this thing in the broad light of day, in the face of the facts produced by its own committee and by our Secretary of the Navy, how can we escape the condemnation of honest men as being the paid agents of these corporations?

"But there is another phase of this armor business that is even blacker than this. In 1894 a big complaint was made through the newspapers, a furor created as to frauds in armor plate. The charges were that the Carnegies were not complying with their contract even at the high price we were paying them, $650 a ton; that they were putting off on us spongy material, rotten material, untempered material, as armor plate at that price. The Naval Committee at the other end of the Capitol got a resolution through that body instructing its committee to investigate these questions. They sent for the manufacturers themselves. They did not go out in the highways and byways and look up this informer or that spy, and men who had been turned off by the company; but they sent for the superintendent and the manager of the Carnegie Works and the others connected with the manufacture of those plates and asked them questions, took their own admissions, brought in no other testimony except that which Carnegie's men themselves made; and what did they report? Here are the charges made against the company, which were admitted by the agents of the company who appeared as witnesses before the committee. I want the Secretary to read it.

"The PRESIDING OFFICER. The Secretary will read as requested.

"Mr. TILLMAN. Now, gentlemen, those of you who do not feel so thin-skinned, who know you are honest, who feel that you are the agents only of the people of the States which you represent, please listen.

"The Secretary read as follows:

"THE CHARGES AGAINST THE COMPANY.

"[CONGRESSIONAL RECORD, Aug. 23, 1894, p. 8638.]

"First. The plates did not receive the uniform treatment required by the specifications of the contracts. In many cases the treatment was irregular, and in other cases it was practically inefficient. The specifications of the contract of February 28, 1893, required that each plate should be annealed, oil tempered, and again annealed, the last process being an annealing one.

"Second. False reports of the treatment of the plates were systematically made by the Government inspectors. This was in violation of paragraph 95 of the circular concerning armor-plate appurtenances, dated January 16, 1893, which was made a part of the contract. Paragraph 95 says:

"'The contractor shall state for each article in writing the exact treatment it has received.'

"The specifications of the contract of November 20, 1890, paragraph 164, say:

"'A written statement of work and contractor's tests to be commenced and in progress each day must be furnished to the chief inspector.'

"Third. No bolts received the double treatment provided for in the specifications of either contract. A report of a double treatment, however, was made to the Government inspectors.

"Fourth. Specimens taken from the plates both before and after treatment to ascertain the tensile strength of each plate were stretched without the knowledge of the Government inspectors, so as to increase their apparent tensile strength when actually tested.

"Fifth. False specimens taken from other plates were substituted for the specimens selected by the Government inspectors.

"Sixth. The testing machine was repeatedly manipulated by order of the superintendent of the armor-plate mill so as to increase the apparent tensile strength of the specimens. These specimens were juggled in measurement so as to increase their apparent ductility.

"Seventh. Various specimens selected by the Government inspectors were re-treated without their knowledge before they were submitted to test.

"Eighth. Plates selected by the Government inspectors for ballistic test were re-treated with the intention of improving their ballistic resistance without the knowledge of the Government inspectors. In one case at least the conclusion is almost irresistible that the bottom of another plate was substituted for the top half of plate A 619, after it had been selected by the Government and while awaiting shipment to Indian Head. Upon this ballistic test a group of plates containing 348 tons, valued at about $180,000, were to be accepted or rejected. In three cases, at least, the plates selected by the Government inspectors were re-treated in this manner without their knowledge. These ballistic plates represented 779 tons of armor, valued at over $410,000. The groups represented by these three plates had all been submitted for premium of $30 per ton if they passed a more severe test than required for acceptance.

"Ninth. In violation of the specifications of the contract, pipes or shrinking cavities, erroneously called blowholes, in the plates were plugged by the contractors and the defects concealed from the Government inspectors. These cavities, in some cases, diminished the resistance and value of the plate.

"Tenth. The inspector's stamp was either duplicated or stolen, and used without the knowledge of the Government inspectors.

"Eleventh. The Government inspector in inspecting bolts was deceived by means of false templets or gauges.

"Mr. TILLMAN. Mr. President, those were the charges, and the testimony is there to show that every word of them was admitted and confessed before a committee of the House of Representatives, and that House, without a division—because even the Republicans over there dared not face their constituents for reelection and fight the investigation—passed a resolution to have certain plates taken off the vessels of the Navy and have them put through the necessary test to show the frauds and prove them. Mr. Carnegie was fined by the Secretary of the Navy and, by some hocus-pocus, this glorious President of ours, who, God be thanked, goes out of power in two days from now, remitted that fine. The thieves were caught; they confessed that they had robbed the Government; the House of Representatives sent to you a resolution to have certain plates tested upon your new Navy to prove the frauds which had been practiced upon the Government.

"That resolution came over here and went to sleep and died without action, and Mr. Carnegie sports his steam yacht and floats back to Scotland to his game preserve, and writes gold-bug literature to tell the American people how they ought to behave themselves. He can come to Congress and come to the President, and get such recognition as he has had. Why should he not sport steam yachts and live in palaces? Why not? He can conduct private business; yes; oh, yes; but we can not. We can not compete with him, because there is too much red tape here, too much eight-hour law, too much this, too much that, too much tother created here by political influences to stop the wheels of an honest administration and to rob the people and make millionaires at the expense of the paupers, who are growing more and more numerous every day. Then, when I get up here and bring these facts to the attention of the Senate and ask the Senators if they do not propose to convict themselves in the eyes of the people of being in collusion with these men, of being only their greedy and paid agents, a Senator gets up here with his thin skin and undertakes to twit me with being insulting and slanderous!

"Why was not that resolution passed here and those plates taken off? Why? Why? Here is a list of the ships of our new Navy—our boasted new Navy, the one we love so, and that we pet so. This is only a partial list of the ships the plates on which were confessed to have been plugged up, or not tempered, or some other thing which would weaken them and make them worthless, and not according to contract.

"Four on the *Monterey*, six on the *Monadnock*, eight on the *New York*, four on the *Amphitrite*, three on the *Terror*, three on the *Oregon*, three on the *Olympia*, six on the *Indiana*, four on the *Massachusetts*, and so on.

"You were asked to cooperate with the House and to have those plates taken off and tested before the Government paid for them, and you would not do it. Why did you not do it? [A pause.] Do not everybody answer at once [laughter], especially you people who think I am slandering the Senate. Why did you not do it?

"If we get into a war with Spain or anybody else and those ships of ours go out to meet an honestly constructed vessel of equal strength, a shot from one of those vessels plunging through one of these spongy plates which have been plugged up would send our American vessel with 600 or 800 men to the bottom of the sea by the frauds perpetrated by these pets of the Senate. Then what will your responsibility be?

"Now, are you ready to continue these monopolists in their grab game of looting the Treasury at will? You can only help it by authorizing the construction of a plant which will make armor for the Government in case these monopolists will not submit to a decent price. Our committee tells you that $300 will allow them 33 per cent profit, while the Secretary of the Navy, in order to reach $400, has to give them 50 per cent profit and $10 a ton bonus.

"Why should you not reduce the price to $300 and say, 'Now, you robber rascals, if you do not come here and take this work at a reasonable price, we will make it ourselves, even if it costs $500 or $800 a ton.' We would at least have then the satisfaction that the money that is spent would go to the common laborers and mechanics, the 'men in blouses,' who are going into the ditch with my friend from Pennsylvania [Mr. Quay], or, I believe, he is to go into the ditch with them. [Laughter.] Now, my friend, if you do not vote to fix the price at $300, we will know that you do not mean to go with them.

"The eight-hour law and the red tape in connection with Government administration in conducting its own affairs is such that it costs the Government more. But let us distribute the benefit among the masses and not concentrate it upon these two pets, the Carnegie Co. and the people at Bethlehem, who have had a rich, rich, rich reward for their 'patriotism' 10 years ago in going into the manufacture of armor so that Americans could have a navy constructed by Americans out of American material. You are face to face with it, gentlemen; you can not dodge it. That is the situation.

"This committee comes here and says that these frauds were perpetrated, and they proved it by the admissions of Carnegie, and you did nothing about it, and would not even investigate. Carnegie was fined, but the fine was remitted. The two plants were in collusion, and the Secretary of the Navy said so before the committee, and I as an humble member of that committee directed all the inquiries I put to them to bring out the fact that they to-day are practically one corporation. They did not deny it. That is the situation. You can not help yourselves from taking whatever they offer, unless you do now allow the Government to make its own plant. I would not say buy any plant, because there are only two for sale—they are the only two in the country—and we open the doors to buy what we paid for to these people, and we were asked to give them two dollars for every one the plant cost.

"They have got it; they have got the title; and now you say 'We will buy it.' I would rather build a new one. Any honest man who resents robbery and rascality and stealing would rather build a new one than let these thieves have their own way. I would sooner see them become useless if the Government enters into the manufacture. That is my position. I am not afraid to get up here and say what I think and what I believe when you give me facts like these to base my belief on. Nobody from Connecticut or anywhere else is going to terrorize me. I am not thin skinned. I am not afraid of being accused of stealing if I did vote for the subsidy for the Southern mail last night. You men who have been here so long, who are so friendly, so loving and kind in your consideration toward the great wealthy combinations—you are the men who have to face the alternative of voting for a decent reduction in the price of armor and giving us a way out by allowing us to construct a plant if these people will not come down to a decent rate; you have got to vote one way or the other.

"You have voted for these people in the past without regard to public opinion, and I dare say you will vote that way to-night. The old guard never surrenders. But there is a young man in the Senate from West Virginia, a weakling, a suckling, like myself, who feels his inability here to get in touch with the business of the Senate, and sits here and sees things ground out; and you get up and quarrel like schoolboys or like geese over some little pitiable $10,000 or $5,000 or $3,000 proposition, and you slide through these millions like greased lightning [laughter]; you do not even discuss them; you do not even ventilate them. Here is one that the Naval Committee brings to your attention. We prove these charges; we prove not only that they are robbing the Government, but that they are practicing fraud upon the Government in the manufacture of armor, and they have not been punished for it. Will you stop it, or will you not? Will you allow the Government to go into the business of manu-

facturing armor if the Government must pay these people twice what the armor is worth?

"I went down to Bethlehem. I followed that thing through from the ore at the beginning to the finished plate at the end. I saw how many men were at work; I saw the machinery; I saw the entire output and how it was handled; and I do not believe it costs $200 a ton to make it. I am ready to take an oath to that, and others of the committee think so, too.

"But the Naval Committee tries to be harmonious. We come here with what we think is a reasonable proposition, a liberal proposition, to give these people $300 a ton, and it is left for the Senate to decide now whether we shall reduce the price to $300 or will allow the Government a way out by giving it an opportunity to make its own armor if it can not buy it at that price.

"Mr. President, I have only to say in conclusion that I would be glad if somebody would ask some question about this, for I have probably forgotten some points about it.

"Mr. STEWART. I would ask the Senator the cost of the same kind of armor in other countries?

"Mr. TILLMAN. We found out that all the armor manufacturers in the world are in the same combination that these two American concerns are—the Creusot people in France, the German manufacturers, and the English are all together, each robbing their own Government all in a pile. So that if you go abroad you will only get on the other prong of the fork. You do not want to go abroad. I would rather pay the American workmen $10 a day for six hours' work, and let this money be distributed among the masses, than allow it to go into the pockets of the combination here. Let us do the Government business through Government agencies, and then these combinations against the Government will be in vain.

"(To Mr. Quay, who had risen.) Now I am ready for the Senator, who is the blouse Senator. [Laughter.] I am afraid he is not with the workingman. I know how he is going to vote.

"Mr. QUAY. There is no difficulty about the way I am going to cast my vote on this question; but I merely desire to ask the Senator from South Carolina whether I understood him to say that this amendment, proposing to limit the cost to $300, comes from the Naval Committee and is offered by the authority of that committee?

"Mr. TILLMAN. It comes in this way. The Senator from New Hampshire and all of the committee, except four, were in favor of fixing the limit at $300, but out of consideration for the other members of the committee, and with a desire, as we thought, to be reasonable and to get some action—mind you, we have got to run the gantlet of the House, and everybody knows how the trusts are fortified in that end of the Capitol at this time, with the gag law in full force and effect, with every man manacled and unable to obtain the eye of the Speaker or get a chance to say a word, unless he crawl around on his belly like a worm—for a free American Representative in Congress has got to crawl around like a whipped cur to obtain recognition. You can not do anything over there; and unless the Senate rises to its duty and protects the people, then the steal goes on. The majority of the committee are in favor of $300 a ton.

"Mr. QUAY. But they did not direct this amendment to be offered on the floor of the Senate.

"Mr. TILLMAN. We did not direct it.

"Mr. QUAY. That is all I want to know.

"Mr. TILLMAN. We did not direct it, because we knew that we had to pass the gantlet of the great moguls of the Appropriations Committee, and we proposed to come in here, where we would have a better chance, and ask you gentlemen to give us some consideration. Let the Naval Committee take charge of the Navy, instead of you gentlemen of the Committee on Appropriations managing it, because we do know more about it than you do, although you are all-wise and have been here long enough to have wisdom die with you whenever you go out of here. [Laughter.]"

THE LOUISIANA PURCHASE (S. DOC. NO. 46).

Mr. MARTIN of Virginia. At the dedication of the Jefferson Memorial Building at St. Louis, Mo., on the 30th day of April, 1913, the principal address was delivered by Prof. William M. Thornton, of the University of Virginia. The occasion was a historical one, and the address is of such merit that I ask unanimous consent that it be printed as a Senate document.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

ALLEGED COTTON POOL.

The VICE PRESIDENT. The Chair lays before the Senate the following resolution coming over from a previous day.

The SECRETARY. Senate resolution 91, by Mr. SMITH of South Carolina:

Resolved, That the Secretary of Commerce be, and he is hereby, directed to inquire fully as to the names of the party or parties or corporations that sold the cotton alleged to have been bought in the year 1910 by a pool of purchasers, who are now under indictment by the Department of Justice, and at what prices these parties sold this cotton to the alleged pool, and whether or not the parties selling this cotton owned the cotton at the time of the sale thereof, and the price of spot cotton in the markets of this country on the date of the making of these contracts or the sale of these contracts for this cotton, and to report the same at the earliest possible moment to the Senate.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. CLARK of Wyoming. Mr. President, I objected to the consideration of this resolution yesterday and asked that it should go over. As a matter of fact, I wanted to examine the resolution and wanted to examine the opinion from the Attorney General's office which the Senator from South Carolina afterwards produced and incorporated in the RECORD.

The opinion from the Attorney General's office thoroughly confirms me in the view which I expressed upon the floor of the Senate. Nowhere in that opinion does the Attorney General say or indicate that the Department of Justice is not fully qualified and equipped to make any investigation which it chooses as laying the foundation for future action. The resolution does not appear to provide for securing information to lay the foundation for future action. It calls upon the Secretary of Commerce to give information to the Senate for its action, I suppose, which action can be only in the way of legislation.

While it occurs to me that the Senate in seeking information should use its own agencies, I do not propose to object to the consideration of the resolution or to oppose its adoption.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

THE TARIFF.

Mr. LIPPITT. Mr. President, I see that the chairman of the Finance Committee is present in the Senate. I should like to ask him what action, if any, his committee has taken in regard to the matter of making public the testimony that is being presented here before various subcommittees in connection with the proposed tariff legislation. I understood his committee was to consider that matter some day last week. I have not personally been informed of any results that may or may not have been obtained. I should be glad to know the result of their consideration.

Mr. SIMMONS. Mr. President, at the meeting of the committee last week a resolution was adopted, and I think the papers carried the substance of the resolution, providing that all briefs upon the tariff which had been filed or which might be filed and which were not already printed as a part of the hearings before the Ways and Means Committee of the House should be printed. There are a great many of these briefs, and it took two or three or probably more men some little time to classify them. They were thrown together without much reference to the subjects to which they related. Those gentlemen have finished their work as to the briefs that have been filed up to this time, and the briefs are in the hands of the printer to be printed. I can not tell the Senator when they will be ready for delivery, but I should imagine very likely to-morrow.

Mr. LIPPITT. I am very glad to hear that the committee have taken comparatively prompt action in regard to this matter. The course the committee seemed disposed to take when this matter was first brought up had rather created in my mind the idea that perhaps they would decide not to make this information public.

Mr. SIMMONS. If the Senator will pardon me, I do not understand why he should make that statement. On the occasion of his first reference to this matter in the Senate Chamber I stated to him that I should bring the matter to the attention of the committee and that I myself was in favor of the publication of all these briefs that had not already been published, and I was satisfied that there would be no objection on the part of the committee. The Senator has referred to the matter several times since then, and every time he has referred to it I have made substantially the same statement with reference to it. At this date, in view of what has transpired here, I do not see why the Senator should throw any doubt upon the purpose of the committee with reference to this matter.

Mr. LIPPITT. Mr. President, the only reason I threw any doubt upon it was that it has taken about two weeks of consideration to bring the matter to the present point. I never could understand why there was any hesitation on the part of the committee, or the chairman of the committee, or any member of

it, or any Member on that side of the Chamber, about making all these matters public. Another reason why I was in doubt about it was because one of the most competent members of the committee, the junior Senator from Georgia [Mr. SMITH], argued here upon the floor that he thought it was not advisable that this information should be made public. I do not attempt to quote him exactly, but that was the gist of his argument as I remember it from listening to it.

Certainly there is no doubt but that this matter has been treated in rather a dilatory way. In addition to that there have been repeated attempts to intimidate the people who are coming down here to offer testimony, threats to have them "hung as high as Haman," threats that there is a million dollars to be used to investigate the actions of men who may express their opinions in regard to these matters; and now, no later than this morning, a publication in the daily papers applying opprobrious terms to the great experts of this country who are coming down here day by day to give the information that they, and they alone, possess in regard to the conduct of all the multifarious business of this country. It seems to me almost like an organized attempt to suppress and stifle the information that Congress ought to have for the proper consideration of this bill. It is for those reasons that I am trying to have this action taken promptly and effectively and completely, and I think I have good reason for it.

Mr. SIMMONS. Mr. President, I do not recall that the Senator from Georgia [Mr. SMITH], who is not in the Chamber, a member of the Committee on Finance, has ever given utterance to the views that the Senator attributes to him. I think I have heard substantially everything the Senator from Georgia has said upon this subject. I do not think he has ever said that he thought it was unwise to publish these briefs. I do not think any member of the committee has ever entertained any such sentiment as that. The Senator upon my left [Mr. JAMES] reminds me that he voted in favor of their publication when the question was before the committee.

I want to say to the Senate, once for all, with reference to these briefs, that from the very beginning of this session, when gentlemen interested in these tariff hearings came to see me pressing for hearings, I suggested to them that I did not think there was any necessity for further oral hearings such as had been had before the Ways and Means Committee, but that I thought if there was anything that representatives of any industry desired to say in addition to what they had already said it could be said in a way that was more likely to receive consideration from the committee, through briefs, than by these oral hearings.

I explained in full my experience with oral hearings, and expressed my opinion that they were not nearly so satisfactory to the Senators as well-considered briefs and did not contribute toward informing the Senate to nearly the same extent. I said to each of them: "As a substitute for hearings I think the plan I shall suggest to the committee will be that when these briefs are all in we will carefully classify them, carefully index them, and have them all printed in one volume of moderate size; and in my judgment a book of briefs properly indexed will be more likely to be read by the Senators than these long, drawn-out hearings, full of irrelevant and immaterial matter, requiring so much time on the part of Senators to obtain a minimum of information."

So I want to say to the Senator that in the very beginning, before any suggestion had been made as to the printing of briefs, I had outlined to various gentlemen who had come here to discuss these matters with me this plan of printing the briefs for the use of the Senate.

Now, the Senator says we have delayed in the matter. Why, Mr. President, what he calls delay was merely waiting in order that everybody who desired to do so might have an opportunity to present briefs, so that they might all be published at the same time and in one volume. The Senator became anxious about the matter of printing, however, and pressed it, and I assured him I would take it up at once. The result is that we will have to have two books. The briefs that are in now will be printed. We are expecting other briefs. We are expecting answers to some questions that have been sent out. As soon as those come in I assure the Senator that we will have printed the additional briefs and the answers to these questions in whatever form they may come, whether they are in the nature of briefs or statements or testimony or depositions.

I do not think Senators on the other side have any idea that it is our purpose to conceal anything or to withhold from the Senate the fullest measure of information. Certainly, if they have any such opinion as that, it is not warranted by anything that has happened. We were simply proceeding in an orderly manner.

With reference to what the Senator has said about the manner in which representatives of these industries have been treated who have come down here for the purpose of conferring with members of the Finance Committee, or appearing before subcommittees, I want to say to the Senator that I have heard no complaint on the part of gentlemen who have come here as to the treatment they have received either from the hands of the individual members of the committee or from the subcommittees. I do not think gentlemen who have come to this Capitol on similar missions have ever been treated more courteously and more considerately than these gentlemen are being treated by the majority members of the committee and by the subcommittees. If the Senator knows or can state to the Senate any individual complaint of lack of courteous treatment or lack of opportunity of these gentlemen to confer when they have desired to do so, I should be glad to have him state it. I want to say to him frankly that if there has been anything of that sort it has not come to my knowledge.

Mr. LIPPITT. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Rhode Island?

Mr. SIMMONS. I do.

Mr. LIPPITT. I scarcely know why the Senator from North Carolina asked me that question, because I have not in the slightest degree, or at any time, intimated that he or his committee had not given hearings.

Mr. SIMMONS. Then I wholly misunderstood what the Senator said a few minutes ago. He did not mean that, then.

Mr. LIPPITT. On the contrary, I took occasion here a few days ago to state that I thought the committee, as far as was within their power and at the expenditure of a great deal of personal effort and time, had been giving these hearings. What I objected to was the fact that the result of those hearings was not made available to the Members of this body and to the country, and that the important information that was being filed there from day to day, and that was being poured into the ears of the members of these subcommittees verbally from day to day, was being almost wasted, although much of it had been prepared with great trouble and great care and great skill by the only people in the entire world who know the facts.

MIDSHIPMEN AT THE UNITED STATES NAVAL ACADEMY.

Mr. SWANSON. Mr. President, I ask unanimous consent to take up a measure which is of very great general importance in connection with the appointment of naval cadets.

On the 30th of June of this year the privilege of appointing two cadets to the Naval Academy by Senators and Representatives will expire, and the Navy Department thinks it is very important that we shall get through at this special session of Congress legislation continuing that privilege. Consequently I ask unanimous consent that we take up for immediate consideration Senate bill 2272.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. Mr. President, I call attention to the fact that we have a unanimous-consent agreement that upon the completion of the routine morning business the Senate will proceed to the consideration of Senate resolution No. 37, authorizing the appointment of a committee to make an investigation of conditions in the Paint Creek district, West Virginia.

Mr. OWEN. Mr. President, we can not hear what the Senator says on this side.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. The Senator from Massachusetts is recognized.

Mr. SWANSON. The matter will take only a few minutes.

Mr. SMOOT. We can not do it under the unanimous-consent agreement. It says that we will take up the matter immediately upon the conclusion of the routine morning business.

Mr. LODGE. Mr. President, I appreciate the recognition, but it is entirely vain.

I was going to say to the Senator from Virginia that I sincerely hope there will be no objection to the bill which he proposes to take up. It was intended to put that clause in the last naval appropriation bill. It was a mere accident that it was not included in the bill. It is absolutely necessary, in order to keep up the appointments at the academy, that this bill should be passed.

Mr. SMOOT. The only reason I objected was because of the unanimous-consent agreement.

Mr. KERN. Senators on this side of the Chamber were unable to hear a word said by the Senator from Utah. We have no sort of idea as to what the subject of discussion was.

Mr. SMOOT. The Senator from Virginia [Mr. SWANSON] asked unanimous consent for the present consideration of a Senate bill. I called attention to the fact that there was a

unanimous-consent agreement entered into yesterday, and that agreement was that upon the completion of the routine morning business to-day the Senate would proceed with the consideration of a Senate resolution; and under the rules I did not see how we could, by unanimous consent, take up the bill and consider it, in the face of the agreement yesterday.

PAINT CREEK COAL FIELDS, WEST VIRGINIA.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which is Senate resolution 37.

The Senate resumed the consideration of Senate resolution 37, authorizing an investigation of conditions in the Paint Creek district, West Virginia, reported from the Committee on Education and Labor with an amendment in the nature of a substitute.

The VICE PRESIDENT. The question is on the amendment in the nature of a substitute reported by the Committee on Education and Labor, on which the yeas and nays have been ordered.

Mr. SUTHERLAND. Mr. President, I intend to vote for this resolution, and I want in a very few words to give my reasons for that vote.

The question which is presented by the resolution is one of far-reaching importance. With what the Senator from Georgia [Mr. BACON] had to say on this subject yesterday afternoon I, in very large measure, sympathize. I think it is an exceedingly delicate matter to undertake to investigate the proceedings of the officials of a State—the governor, the courts, or the legislature—and yet I conceive it to be the duty of Congress, under some circumstances, to do that very thing.

I think that the order which was issued by the governor in these proceedings, the appointment of the military commission to try cases under the civil law, their action in trying individual citizens and sentencing them to terms in the State prison were violative not only of the constitutional guaranties contained in the constitution of West Virginia but of the fourteenth amendment contained in the Federal Constitution and destructive of the most important principles which lie at the foundation of free government.

I understand that when a military government has been established the commander in chief of the army may appoint a military commission, which military commission may be empowered to try not only cases of violations of military law but cases of violations of law generally. But I understand that that applies only where the army is in the enemy's country and where either the courts of the enemy's country have been closed or are incapable of action, or it is perfectly manifest that they are so out of sympathy with the forces that are for the time being in control that they ought not to be permitted to administer the law.

I do not understand that that can ever be the case in a State of this Union. I do not believe that it is competent under any circumstances to declare martial law in the way in which martial law was declared in the State of West Virginia, namely, that not only the military forces of the State were called out to suppress disorder and to apprehend persons who had been guilty of violating the law, but to supplant the courts of the State in the trial and conviction of the offenders.

As far back as the year 1322 such a proceeding on the part of the English military authorities was declared to be wholly unwarranted. It was one of the things which was declared against in the Petition of Right under the first Charles. I read very briefly what is said upon that subject in McGehee on Due Process of Law, at page 13:

> The formation of the Petition of Right in the Commons, under the leadership of Sir Edward Coke, was the result, and that great constitutional document became a statute of the realm by the grudging assent of the King. This instrument recites various guaranties of the rights of the subject and acts of the King declared to be in violation thereof, which show the meaning given to the guaranties. Chapter 29 of the Magna Charta of 9 Henry III, and statutes 28, Edward III, chapter 3 (where the words "due process of law" are used), are recited and declared to be violated by imprisonment of subjects "without any cause showed," "but that they were detained by your Majesty's special command, signified by the lords of your privy council"; statutes 25, Edward III, chapter 4, is given, and declared to be infringed by commissions authorizing trial by martial law. The construction thus put upon these acts is confirmed for the future by the King's assent to the prayer "that no freeman in any such manner as is before mentioned be imprisoned or detained, * * * and that the aforesaid commissions, for proceeding by martial law, may be revoked and annulled; and that hereafter no commissions of like nature may issue forth to any person or persons whatsoever to be executed as aforesaid, lest by color of them any of your majesty's subjects be destroyed or put to death contrary to the laws and franchises of the realm."

To that declaration of the Petition of Right the reluctant assent of the King of England was given.

In the case of the Earl of Lancaster, during the rebellion of 1322, after he had been tried by court-martial and executed under the sentence of that tribunal, the Parliament declared as follows:

> 1. That in time of peace no man ought to be adjudged to death for treason or any other offense without being arraigned and put to answer.
> 2. That regularly, when the King's courts are open, it is a time of peace in judgment of law.
> 3. That no man ought to be sentenced to death by the record of the King without his legal trial per pares.

That has been the law of England since that day. It was the law of England when we borrowed the common law and when we adopted the Constitution.

I have no doubt that the spirit of this rule, which was embodied in the Petition of Right and before that in Magna Charta, was covered and intended to be covered first by the fifth amendment to the Constitution and later along by the use of the same words with reference to due process of law in the fourteenth amendment.

This question has arisen in the United States from time to time. In Shay's rebellion, which was referred to here the other day and which occurred, as I recall, in 1787, Gov. Bowdoin's order to Gen. Lincoln contained this clause:

> Consider yourself in all your military offensive operations constantly as under the direction of the civil officers, save where any armed force shall appear to oppose your marching to execute these orders.

Again, in the Pennsylvania disturbances of 1793, the Secretary of War stated:

> The object of the expedition was to assist the marshal of the district to make prisoners.

And President Washington, who, as we know, marched at the head of the troops, declared:

> The Army should not consider themselves as judges or executioners of the law, but only as employed to support the proper authorities in the execution of the laws.

In the history of the United States, so far as I have been able to investigate the question, I have been unable to find a parallel for the order which was issued in these proceedings. Let me read what was said by the governor of West Virginia in his military order, for the purpose of contrasting it with the various orders and pronouncements to which I have just called attention. It is dated—

> GENERAL ORDERS, NO. 23.
>
> STATE CAPITOL,
> *Charleston, November 16, 1912.*
>
> The following is published for the guidance of the military commission, organized under General Orders, No. 22, of this office, dated November 16, 1912:
> 1. The military commission is substituted for the criminal courts of the district covered by the martial-law proclamation, and all offenses against the civil laws as they existed prior to the proclamation of November 15, 1912, shall be regarded as offenses under the military law, and as a punishment therefor the military commission can impose such sentences, either lighter or heavier than those imposed under the civil law, as in their judgment the offender may merit.

Now, let it be remembered, Mr. President, that this order was issued at a time when it is conceded the courts having jurisdiction of these various offenses were open and competent to try them. It was as easy for the military authorities to take these individuals who had been apprehended before the regularly organized courts of the State for trial and punishment as it was to try them before this military commission and then take them after sentence to the prisons of the State.

Not only is this military commission substituted for the courts of the State and given jurisdiction over these various offenses, but by this order the will of the military commission is substituted for the laws of the State. When a military government has been established and a military commission organized to try cases in a condition of war, it is true that the will of the military commander becomes supreme. As was stated in the Milligan case by the counsel for the Government:

> The officer executing martial law is at the same time supreme legislator, supreme judge, and supreme executive.

Could it ever have been contemplated under a scheme of constitutional government such as ours that in a State of this Union there could ever exist circumstances which would make the executive officer of the State the supreme legislator, the supreme judge, and the supreme executive? Yet that is what this order in effect does. As I have said, it not only puts this military commission in the place of the courts and substitutes their operations for the operations of the courts, but it puts the will, the arbitrary will, it may be, of the commission in the place of the laws of the land, because the order provides:

> And as a punishment therefor the military commission can impose such sentences, either lighter or heavier than those imposed under the civil law, as in their judgment the offender may merit.

If I have understood the genius of our institutions, it is that its very corner stone is that this is to be a government of laws as distinguished from a government of men, and whenever a situation such as I have described is tolerated immediately the laws are submerged and the government of men becomes the controlling thing.

This military commission was authorized to impose sentences either lighter or heavier than those imposed by the civil law. For a mere misdemeanor, for which there is a punishment of three months in a county jail, they might under this order imprison a man for life in the State prison.

I understand that in these very proceedings two of these men who were convicted were guilty of misdemeanors, the extreme punishment for which would have been confinement for one year, and yet they were sentenced to imprisonment for five years by the military commission. But this order goes further:

2. Cognizances of offenses against the civil law as they existed prior to November 15, 1912, committed prior to the declaration of martial law and unpunished, will be taken by the military commission.

The effect of that is that if a bank cashier within that district of country which was made subject to the order had been guilty of embezzlement two years preceding this disturbance and still remained unpunished he could have been brought before this military commission and tried and convicted and sentenced for life if the commission so willed.

3. Persons sentenced to imprisonments will be confined in the penitentiary at Moundsville, W. Va.

By command of the governor:

C. D. ELLIOTT, *Adjutant General.*

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SUTHERLAND. I do.

Mr. REED. I wanted to ask the Senator if he really thinks it would make any difference whether the bank cashier had been previously tried and convicted and punished when a board was organized outside of the Constitution and proceeding with no law to govern it except the will of the commander in chief? Does not the organization of such a board set aside the constitutional guaranty which provides that a man shall not be placed twice in jeopardy? Could a man with success plead before such a board a prior conviction or acquittal, and if so, what rule would there be to compel the board to pay any attention to the plea?

Mr. SUTHERLAND. There is no rule that would compel the tribunal to pay any attention to any defense so far as that is concerned, but if he had been punished prior to the issuance of this order he would not come within the terms of it, because it provides that cognizance of offenses against the civil law committed prior to the declaration of martial law and unpunished would be taken by the military commission.

Mr. President, as I have said, I think that the action of the governor in appointing this commission and the action of the commission itself after their appointment constitutes a violation of the provisions of the fourteenth amendment, which reads:

Nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

As I understand that provision of the Constitution, it means that, so far as life and liberty are concerned, whatever may be the case with property, no man can be deprived of them except by judicial action; that no man can be deprived of life or liberty in a State of this Union except by the orderly processes of the courts.

The Supreme Court of the United States, in One hundred and eleventh United States, page 708, distinguishes between the three things which are enumerated in the amendment in this language:

The appellant contends that this fundamental principle was violated in the assessment of his property inasmuch as it was made without notice to him or without his being afforded any opportunity to be heard respecting it, the law authorizing it containing no provision for such notice or hearing. His contention is that notice and opportunity to be heard are essential to render any proceeding due process of law which may lead to the deprivation of life, liberty, or property.

And the court says:

Undoubtedly, where life and liberty are involved, due process requires that there be a regular course of judicial proceedings, which imply that the party to be affected shall have notice and an opportunity to be heard; so, also, where title or possession of property is involved.

So it seems to me that we are presented here with a case involving a very grave violation of the fourteenth amendment upon the part of the officials of this State.

The Senator from Georgia, however, says that while he concedes the violation of the constitutional guaranty, that the remedy is ample, so far as these individuals are concerned, in the courts, and Congress has no function to perform in connection with the matter. I quite agree with the Senator that so far as these individuals are concerned Congress has no functions to perform. It can render no judgment in their cases. It can not order their release from prison. They have a remedy by taking their case, upon writ of error, to the Supreme Court of the United States; and the Supreme Court of the United States, if it finds them deprived of their liberty without due process of law within the meaning of the fourteenth amendment, will, of course, discharge them. But it does not follow that because the Congress can do nothing so far as these individual cases are concerned it has no function to perform in this matter. The fourteenth amendment provides further:

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Therefore Congress, by the affirmative language of the fourteenth amendment, is charged with some duty in respect to these provisions of the amendment. Congress may enforce the provisions of the fourteenth amendment, including the guaranty of due process of law, by appropriate legislation; and if Congress has the power to enact appropriate legislation to carry a provision of the fourteenth amendment into operation, it certainly has the power to inquire into suggested violations of the fourteenth amendment in order that it may know what legislation to adopt.

I do not know, none of us know, what particular legislation might follow after a full inquiry into this matter; perhaps none whatever; but certainly it will be competent for Congress to gather the information, and then determine whether or not the laws of the United States need strengthening, and whether or not in this class of deprivations by denial of due process of law of the rights of the citizen we should not provide some other remedy, some more speedy remedy, than that which to-day exists; whether or not we should not provide for an immediate application to the Circuit Court of the United States, instead of the roundabout method of permitting the case to go through the State courts, and then to the Supreme Court of the United States, and perhaps other remedies may be suggested after the facts shall have been gathered.

Mr. President, I have said all that I desire to say in regard to this subject, and I should not have said anything at all had it not been for the suggestion here that Congress has no function in the matter, and that it is an idle performance on the part of the Senate to make this inquiry. I think the inquiry ought to be made, and I think we ought to ascertain the facts. It is significant——

Mr. BRYAN. Mr. President——

Mr. SUTHERLAND. If the Senator will pardon me just a moment. It is significant that in the Constitution there are only three amendments where provision is specifically made that Congress shall have power to enforce their provisions by appropriate legislation, indicating to my mind that in the preparation of those amendments it was deliberately considered that Congress would have some affirmative duty to perform in the matter of their enforcement. These three amendments are the thirteenth, the fourteenth, and the fifteenth.

I yield to the Senator from Florida.

Mr. BRYAN. Mr. President, I desire to ask the Senator from Utah a question. I first wish to state to him, however, that I have followed his argument with a great deal of interest; and, as I understand, his remarks have been addressed to the fourth subdivision of the resolution. The question I desire to ask the Senator is, if he believes any investigation can establish more than the admitted facts in the decision of the Supreme Court of West Virginia? Does it not occur to the Senator that it is quite reasonable that in the writ of habeas corpus the party discharged from custody by the military commission would state his case as strongly as it could be stated, and that from the statement of his case by himself Congress would be placed in possession of the facts without an inquiry into the action of the courts of West Virginia, just as effectually as would be obtained by an investigating committee of the Senate? Can the Senator imagine that the petitioner did not place before the Supreme Court of West Virginia his case in as strong a light and as favorable to himself as any investigating committee may find by making a dragnet inquiry around the coal fields of West Virginia?

Mr. SUTHERLAND. Mr. President, so far as the individuals who are parties to the habeas corpus proceedings are concerned, the Senator from Florida is probably correct.

Mr. BRYAN. Well——

Mr. SUTHERLAND. Just a moment. In all probability we have all the facts we could ever get with reference to their cases, but we do not know as to other cases; we do not know as to the general conduct of this military commission in this disturbed area; and other charges were made, as I understand. So it seems to me that we ought to make a full investigation of the whole subject.

Mr. BRYAN. But I call the Senator's attention to the fact that while the facts may be different, and different cases may be presented, they all present the proposition as to whether or not the section of the fourteenth amendment to the Constitu-

tion to which the Senator refers is being violated; and if so, if there is any legislation Congress can pass, it does seem to me that we are sufficiently in possession of that information to legislate without questioning the good faith of the courts of West Virginia or assuming to go to meddling with the affairs of sovereign States.

Mr. SUTHERLAND. The Senator from Florida may think he has sufficient information upon which to act; I do not. I think that this is a very grave matter, and that before Congress undertakes to do anything upon the subject it ought to investigate it fully.

Mr. BRYAN. Mr. President, I do not understand there is any difference of opinion between the Senator from Georgia and the Senator from Utah as to the law. As the Senator from Georgia contends, and maintains with much force, no military commission has the power to sentence men while the courts of the land are open. We understand thoroughly and fully and completely now, as much as we shall after this matter shall have been investigated, that the Supreme Court of West Virginia takes the opposite view. It seems to me, therefore, we are in possession of facts sufficient to legislate with reference to the matter without investigating that particular branch of it. If any of these laws are being violated, if access is prohibited to the post offices, or if the immigration law is being violated or the antitrust law is being violated, I can well see that it would be proper for a committee of this Congress or of the Senate to go and possess itself of the facts; but you by this resolution undertake to say that we shall investigate the administration of the law by the courts of West Virginia, when you know of the holding of the courts of West Virginia, when you know the facts upon which those courts acted as well now as you will then.

Mr. REED. Mr. President, it has been strenuously urged that if the Senate institutes an inquiry to ascertain whether citizens of the United States have been imprisoned in West Virginia without trial by any court of law the Senate by such investigation invades the rights of a sovereign State. I do not agree with that doctrine. I recognize the fact that the rights of sovereign States should not be impaired or disregarded. But I insist that if a citizen of the United States is deprived of those great rights guaranteed to him as a citizen of the United States by the Constitution of the United States it is a matter of grave concern to every citizen of the Republic and to the Nation at large. I believe, sir, that the United States Government owes to its citizenry protection not only when they stand upon soil specially ceded to the Federal Government but also that it owes them protection whether they be within the confines of a State of the Union or the boundaries of a foreign country.

I do not concede that when we inquire whether a citizen of the United States has been deprived of his rights under the Federal Constitution we thereby trench upon any of the prerogatives of a sovereign State. I insist that wherever the American flag floats every citizen beneath its folds has the right to call not only upon the Congress of the United States but, if need be, upon the Army and Navy of the country to protect him in those liberties guaranteed to him by the Federal Constitution.

I am not so sensitive about this proposed investigation as are some Senators. If it be true that in a great State of the Union men can be taken, not before a court, not even before a court-martial, but before four or five individuals acting without the slightest warrant or authority of law and by the farcical, illegal, and unwarranted decree of that unauthorized body of irresponsible men be deprived of their lives, their liberty, or their property, then I want to know the fact.

If that intolerable, despotic, and infamous condition exists in the State of West Virginia, and the General Government is powerless to grant protection to its victims, then, by parity of reasoning, it is equally impotent in all other States. It follows that the governors of all States may exercise like arbitrary power. Thus all citizens of the Republic may be deprived of the rights reserved to them in the Constitution; thus will the Constitution be rendered worse than a dead thing. Such, sir, is not my conception of the Federal Constitution and Bill of Rights.

I believe that it ought to be worth something to be a citizen of the United States of America. I believe that wherever our laws and jurisdiction extend the liberties of the citizen are guaranteed, the great privileges of the common law are his. Before he can be deprived of his life, his liberty, or his property, before so much as a single hair of his head may be touched, he is entitled to the judgment of his peers, according to the language of the Constitution and the forms of law.

Mr. President, it was well said by my learned friend from Florida, Mr. BRYAN, that there is enough admitted upon the face of this record to warrant action. With that statement I agree.

It is conceded that there was in the State of West Virginia absolute peace, order, and quiet. Throughout the confines of the State the courts were open. There was neither interference with the processes of the law nor the ordinary course of justice. There was no resistance to established authority save in one little spot in the single county of Kanawha known as the Paint Creek district. It is conceded that the court having criminal jurisdiction over that entire county, including the Paint Creek district, sat at Charleston, a city of 25,000 population and the capital of the State. It is admitted that in this city there was neither actual nor anticipated disturbance. The doors of the courts were open, and their officers were ready and willing to perform every duty devolving upon them.

All this is admitted by the Senator from West Virginia [Mr. GOFF], who avers that the disturbed district bore about the same relation in area to the State as the small desk in front of him bears to the entire Senate Chamber. The Senator further admits that the criminal courts of the county were not only open, but that they were presided over by men learned in the law, of high probity, and unassailable character. With that condition existing, we are confronted with the admitted fact that the governor of West Virginia declared martial law within the Paint Creek district and issued the following order:

GENERAL ORDERS, NO. 23.

STATE CAPITOL,
Charleston, November 16, 1912.

The following is published for the guidance of the military commission organized under General Orders, No. 22, of this office, dated November 16, 1912:

"1. The military commission is substituted for the criminal courts of the district covered by the martial-law proclamation, and all offenses against the civil laws as they existed prior to the proclamation of November 15, 1912, shall be regarded as offenses under the military law, and as a punishment therefor the military commission can impose such sentences, either lighter or heavier than those imposed under the civil law, as in their judgment the offender may merit."

It is further admitted that, having issued this order, the governor invaded the Paint Creek district with his armed soldiery, and that the troops almost immediately suppressed disorder and brought about a condition of absolute peace. It thus conclusively appears that all persons accused of offenses against the law committed within the disturbed area could at all times, upon apprehension, be brought before the constitutional courts of justice sitting at the State capital, 25 miles from the disturbed area, and there brought to trial according to the forms of law. This the governor refused to do. On the contrary, he brought the men before his so-called military commission, and expressly authorized it "to impose sentences, either lighter or heavier than those imposed under the civil law, as in their judgment the offender may merit." By this action the governor of West Virginia undertook to strike down the Constitution of the United States and the constitution and laws of West Virginia. He became the assassin of liberty.

For the Federal Constitution, adopted by 48 sovereign States; in place of the bill of rights of West Virginia, representing the crystallized opinion of her 1,500,000 free citizens; instead of the common law, established by centuries of sacrifice and revered by the great English-speaking race—for all these he substituted his own dogmatic will. He assembled four or five political understrappers, military sycophants, bursting with the importance of new uniforms, inflated with the newly acquired authority of pistols and cartridge belts, ignorant of the law, unlettered in the Constitution, uninstructed in either the tactics or rules of civilized warfare. To this aggregation of incompetence and truculence he gave the high-sounding name "military commission," and ordered it to impose upon American citizens any penalty their prejudice, malice, ignorance, or cruelty might suggest. Citizens of the United States, surrounded by detectives and other hired thugs, were driven at the bayonet's point before this usurping and farcical tribunal and by it sentenced to the penitentiary for long terms of years upon charges which, if true, would not, under the law of the land, send them to penal servitude for even a day. And the Supreme Court of West Virginia sanctions the farce, applauds the usurper's crime, and affirms the unjust and cruel decree.

Mr. President, if the action of the governor of West Virginia was legal and valid, if it can stand, then the Constitution of the United States is dead and liberty is "a dream that is past and gone."

Let us analyze this new doctrine. It is this: That for the judgment of all the people, crystallized into a constitution, a single individual may substitute his own will. That, Mr. President, is absolutism, and absolutism is despotism based upon slavery. For rules of law duly established and subject to change only after full consideration we are now to be governed by the transient whim, the senseless caprice, or the baseless prejudice of one man. We adopt this frightful policy, not because there

is a necessity growing out of the absence of all law, for the courts are open. We adopt it not because the State is in peril, for the militia has restored order in every part of the State. We adopt it for no other purpose than that men shall be punished, not according to the law but in spite of the law; not according to the Constitution but in defiance of the Constitution. And then the Court of Appeals of the State of West Virginia does this remarkable thing: It announces that when the governor of the State declares there is a state of war, war exists whether it exists or not. Says this learned court, in the majority opinion: "If the governor says there is war, there can be no inquiry into the fact." There can be no investigation as to the truth of the governor's proclamation. There may never have been a shot fired; there may not be a firearm in the State. His decree is a verity, not to be questioned or disturbed.

We, then, are brought by this astounding doctrine to this, that it is possible for a man who happens to be governor of a State to declare a state of war in a time of profound peace. He may declare there is an insurrection when, in fact, law and order reign. Having so declared, he may set aside every constitutional guaranty. Every right that was baptized in the blood and tears of those who went down to their deaths that we might have liberty may be stricken down. And the people are not only barred from punishing the culprit who has thus overthrown the temple of liberty, but they may not even investigate his conduct!

I denounce such a doctrine as the most monstrous ever written by any court in any country. I unhesitatingly declare that the majority opinion of the Supreme Court of West Virginia suffers by comparison with some of those decisions rendered by Lord Jeffreys, which brought to that judicial criminal an immortality of infamy.

Mr. President, if governors can declare a state of war when there is no war, and there can, under the law, be no inquiry into the fact, and the citizen be deprived of those great rights guaranteed by the Constitution, and there is no redress, then it is high time that methods be devised by which there can be inquiry into the fact and redress given to all citizens who have been ravished of their liberties.

Mr. President, the "doctrine of necessity" relied upon by the defender of the governor of West Virginia is not of recent birth. It is as old as human ambition. It is as bloody a doctrine as has ever cursed the world. There never has been king who sat upon a throne, ambition-mad and bent upon the exercise of arbitrary power, who has not masked his most despotic cruelties behind the "doctrine of necessity."

Never has English monarch dared attempt to supersede the civil law who has not sought warrant in some pretended danger to the state. Yet, 500 years ago, it was declared in England—and it has never since been doubted to be the law—that even when insurrection was rife within the land and armed bodies were marching and countermarching across the island, when there was a state of actual war, still, even at such a time, if the courts of law were open, there could be no military trial save for those who were in the military service.

That rule of law has not been seriously doubted since the days of Charles II. It was in some part invaded by George III as to these colonies. One of the bitterest complaints laid against the English monarch in the Declaration of Independence was, "He has affected to render the military independent of and superior to the civil power."

Mr. President, every tyrant who has established a despotism has only made his will the law of the country. When a King of France issued his lettre de cachet and sent a citizen of France to the Bastile without trial, he only substituted his will for the laws of France. When the Sultan of Turkey condemns his subjects to be sewed in sacks and drowned in the Bosporus, he merely imposes his will upon the Empire of the Ottomans. When the Czar of Russia issues a ukase that drags men and women from their beds at night and drives them at the bayonet's point into the wilds of Siberia, to starve and freeze until death brings a respite from the tyrant's wrongs, he only expresses his will and declares it to be the law. When commanders of armies have seized citizens and put them to death without trial, they have only made the civil authority subject to military power. And when the governor of West Virginia called out his little army, captured defenseless citizens, put them to a mock trial before a packed and pretended court composed of men selected to convict; when he issued his order directing that the accused should have neither court of law nor jury of peers; when he declared that this false tribunal might punish in its discretion without limitation and without mercy, he simply substituted his will for the law. But when he did all this, he struck at the very heart of human liberty; he violated the Constitution of the United States, the constitution of his own State, and the law of the land. By that act he became a dangerous criminal.

The Senator from West Virginia [Mr. GOFF] declared that the governor of West Virginia stands upon a pedestal. I reply, he stands within a pillory, and will so stand as long as the men of West Virginia love liberty and revere the Constitution of the United States. [Applause in the galleries.]

The VICE PRESIDENT. If the occupants of the galleries do not preserve order, the Sergeant at Arms will clear the galleries.

Mr. REED. The question under consideration is one of the gravest nature. Let me state it again: It is declared by the Supreme Court of Appeals of West Virginia that the governor of a State may declare that a riot or revolution exists; he may follow this by a declaration of martial law; he may set aside the Constitution and laws of the country and impose his will in their stead; he may deny citizens the right to trial before the courts of law; he may drag them before military commissions existing without warrant of law, and these illegal tribunals may inflict whatever punishment their ignorance or malice may inspire. Nay, more, if in fact there has been no riot; if in fact there has been no revolution; if in fact there has been no disturbance, the man sentenced by this pretended tribunal to scaffold or prison can not in any court on earth show that there has at all times been a condition of profound peace, and that the governor's declaration to the contrary is an official falsehood. Such is the doctrine which we are here confronting. I confidently assert that there never fell from the pen of George III or any of his ministers, never was written during the infamous reign of Charles II—by the king or any of his ministers—a doctrine more destructive of all law, of all justice, of all free government, of all the rights of man.

"But," says the Supreme Court of Appeals of West Virginia, "when the governor declared martial law, he did so to save the constitution; when he superseded civil authority by the military power, he was only preserving civil authority and civil law." This remarkable doctrine, epitomized, amounts to this: That when a riot starts, the constitution stops; the beginning of a disturbance is the end of the law; resistance to authority terminates the authority; the moment men meet in unlawful assemblage the constitution is dead. If this be true, a few evil-disposed persons may inaugurate a riot, and thereupon the constitutional rights of the multitude of well-disposed and law-abiding citizens residing in that division of the country is deprived of all rights reserved to it by law or constitution, and becomes at once subject to the arbitrary rule of power as represented by the commander of the military forces, because the riot has in itself made both the constitution and the law dead things.

The truth is found in the converse of this silly doctrine. It is only when the rights of the citizen are being violated, when the peace and order of a community have been infringed upon, that the constitution and laws become effective and vital. It is under such circumstances that the citizen needs and is entitled to the protection of constitutional government. The philosophy of the West Virginia courts amounts to this: That the governor of a State has the right to destroy all constitutional law in order to save the constitution. In a word, you must kill the constitution in order to save the constitution from death. Thus this court goes back to the old plea that the necessities of the case warrant the usurpation of arbitrary authority.

Mr. President, I do not intend to discuss this doctrine at length. It is not a new one. It is no longer a debatable proposition. Upon it the minds of lawyers and students of the Constitution do not differ. The doctrine of necessity was advanced in the Milligan case.

I want at this point to put in the language of the United States Supreme Court in the Milligan case. One preliminary word, however. The constitution of West Virginia expressly provides that the writ of habeas corpus shall never be suspended. In this respect it differs from the Constitution of the United States, which confers upon the Federal Government express authority to suspend the writ of habeas corpus in case of rebellion or invasion. The language, therefore, of the Supreme Court of the United States in the Milligan case, so far as it relates to this great writ of right, is not applicable to the West Virginia situation. It is necessary to bear this distinction in mind in reading the Milligan case. In that great case the court asserts the right of the Federal Government to set aside the writ of habeas corpus in the cases specified, but expressly declares that none of the other rights reserved by the Bill of Rights can be set aside, even in case of rebellion or actual war, so long as the civil courts are open. The sum of the opinion is that the great rights enumerated, viz, freedom of speech, the

right of petition and peaceable assembly, and a speedy public trial by an impartial jury, are preserved. So, also, the prohibitions against the quartering of soldiers upon the people without their consent, unreasonable searches and seizures, the preservation from trial for an infamous crime except upon indictment by a grand jury, the inhibition against taking property, life, or liberty without due process of law, and against ex post facto laws all are declared to be sacredly inviolable even in time of actual war, the court in substance declaring that it was to guard against usurpation by those in authority in times of disturbance or war that these great privileges of the citizen were engraved into the fundamental laws of the land. I read from this great opinion:

This Nation, as experience has proved, can not always remain at peace and has no right to expect that it will always have wise and humane rulers, sincerely attached to the principles of the Constitution. Wicked men, ambitious of power, with hatred of liberty and contempt of law, may fill the place once occupied by Washington and Lincoln—

And if they could have looked down the years of time they might have added "or may become governors of States"—

and if this right—

Namely, the right to supersede the civil law by military force when it is deemed necessary because of riot or rebellion—

is conceded and the calamities of war again befall us, the dangers to human liberty are frightful to contemplate. If our fathers had failed to provide for just such a contingency, they would have been false to the trust reposed in them. They knew—the history of the world told them—the Nation they were founding, be its existence short or long, *would be involved in war*, how often or how long continued human foresight could not tell; *and that unlimited power, wherever lodged at such a time, was especially hazardous to freemen. For this* and other equally weighty reasons *they secured the inheritance they had fought to maintain by incorporating in a written constitution the safeguards which time had proved were essential to its preservation. Not one of these safeguards can the President or Congress or the judiciary disturb*, except the one concerning the writ of habeas corpus.

It is essential to the safety of every Government that in a great crisis like the one we have just passed through there should be a power somewhere of suspending the writ of habeas corpus.

And I remark, by way of parenthesis, the men who wrote the constitution of West Virginia did not believe that even that right ever should be taken away.

In every war there are men of previously good character wicked enough to counsel their fellow citizens to resist the measures deemed necessary by a good government to sustain its just authority and overthrow its enemies; and their influences may lead to dangerous combinations. In the emergency of the times an immediate public investigation according to law may not be possible, and yet the peril to the country may be too imminent to suffer such persons to go at large. Unquestionably there is, then, an exigency which demands that the Government, if it should see fit in the exercise of a proper discretion to make arrests, should not be required to produce the persons arrested in answer to a writ of habeas corpus. *The Constitution goes no farther. It does not say after a writ of habeas corpus is denied a citizen that he shall be tried otherwise than by the course of the common law. If it had intended this result, it was easy by the use of direct words to have accomplished it. The illustrious men who framed that instrument were guarding the foundations of civil liberty against the abuses of unlimited power. They were full of wisdom, and the lessons of history informed them that a trial by an established court, assisted by an impartial jury, was the only sure way of protecting the citizen against oppression and wrong. Knowing this, they limited the suspension to one great right and left the rest to remain forever inviolable.*

But, sir, down in West Virginia the governor and supreme court take a different view. They hold that if a few excited men in one parish engage in a fight the Constitution and the civil law may be suspended. Suspend the Constitution of the United States because there is a riot!

What is a riot? Three men can constitute a riot. Fifty men might, to the inflamed vision of a small-minded governor armed with a little brief authority, loom as a dangerous revolution. All the other millions of population might be at profound peace, yet by this miserable "necessity" doctrine, now in the beginning of this century announced, we are told that a governor may suspend all those rights the heroes of the past died to gain; that citizens may be riven from the arms of wives and children and dragged before four or five of the governor's sycophants and understrappers and by them sentenced to prison or scaffold for even trivial offenses.

For, mark, this military despot left to his military commission composed of men unlearned in the law, responsible to nobody, appointed by no authority—for where there is no legal authority there is none whatever—the right absolutely of life and death over the thousands of men and women living within the afflicted Paint Creek district.

I say now, and I weigh my words, that the men who sat upon that commission made of themselves criminals, and, together with the chief offender, the governor of the State, are liable under the laws of this country to indictment, trial, and imprisonment for their offenses. Of that there can be no doubt under the law. Whenever men joining in conspiracy deprive a citizen of his liberty, unless acting by warrant of law, they breach the law and themselves become criminals. That has been decided not once but many times in the course of history.

What are the limits to this doctrine of necessity? Who shall set its bounds? Is it anything more or less than the law of power, the supremacy of brute force? Suppose we apply it, not to poor miners—suppose we leave the cottage of poverty and go to mansion at the capital. Suppose a new governor takes office in West Virginia and concludes to try the law of necessity upon the gentleman now occupying that exalted place. He thereupon sets up a tribunal to try the present governor and instructs that tribunal to try him according to its own notions and to affix any penalty it sees fit. Suppose the autocrat of the present is fed out of his own spoon by the autocrat of the future. What an outcry will then be heard! How loudly will he proclaim his constitutional privileges! How stoutly will he demand a jury of his peers! How insistently will he cloak himself in the Bill of Rights! How complete will be his conversion to the glories of constitutional government!

A word more of this decision. Says this great judge:

Knowing this, they limited the suspension to one great right and left the rest to remain forever inviolable. *But it is insisted that the safety of the country in time of war demands that this broad claim for martial law shall be sustained. If this were true, it could be well said that a country preserved at the sacrifice of all the cardinal principles of liberty is not worth the cost of preservation. Happily, it is not so.*

Mr. President, I want this investigation. I want it to go to the very bottom. I heard much said the other day by the learned Senator from West Virginia about property rights. He told us how men of means had come there from other States and opened mines, started furnaces flaming, industry humming, and the State prospering. I am glad that is true. But, Mr. President, I wondered when the eloquent Senator was speaking so feelingly of "the rights of property" why it never occurred to him to give a few moments of consideration to the rights of human beings, to the men who moil in the night in the mines to bring up wealth for their industrial overlords; to the women who stint and starve to keep their ragged children from hunger's cruel gnawings, who go from girlhood to the grave with no prospect but toil, no respite but death. Mr. President, I do not affirm the fact, but the public prints state that the real truth is that the men in West Virginia saw fit to strike because their condition had become unbearable; that these went peaceably to their homes; that thereupon the proprietors of the mines brought in large numbers of men claiming to be detectives and locally known as Baldwins, and that they were armed to the teeth; that they inaugurated such a series of persecution and of abuse as almost literally to drive miners to arms in defense of their homes and of their wives. I have read that armored trains were arranged for, and were sent plunging through the valleys, their sides blazing with the fire of rifles.

I do not know whether that is true or not, but I do know that a governor bent upon maintaining the peace in that community would have stopped that sort of a proceeding before it had been well started. I do know that if that sort of thing was done the country ought to know it. If that was done and was followed by a declaration of martial law, and the miners were brought by the soldiers out of a place where there had been trouble and turmoil into a peaceful community where courts having full jurisdiction sat, but instead of being taken before those courts and there being tried by a jury of their peers, they were drawn before a usurping, illegal, and criminal tribunal organized by the governor and composed of four or five men who sat in defiance of constitution and law, and by these men were sent to the penitentiary to be caged like animals until the long and weary months have run by and their appeal is heard by the Supreme Court of the United States—if that is possible as the law now stands, then there ought to be a law passed which will insure to us our rights under the Constitution of the United States without that long and endless delay.

Mr. President, the attempt to parallel this case with a case of actual war is pitiable—aye, it is ridiculous. In a case of actual war, if we were to invade an enemy's country and set aside its government, its courts, where there were no time to set up a government, if we were surrounded by enemies, waging battle on every hand, there might be excuse for trial by military tribunals. But to say that when in a State of this Union there is a riot in one township, its inhabitants, all of its people—not only those concerned in the riot, but every other man, woman, and child in that district—lose the protection of the Constitution of the United States, is a doctrine so monstrous as to shock the conscience and rouse the indignation of every man who reveres his country or loves the word liberty.

I have heard the technical arguments advanced that the courts have decided that technically a governor may do that which the governor of West Virginia did. But, sir, so confident am I that the Constitution of the United States can not be set aside, or its great precepts impaired, changed, or annulled by any authority on earth save the people themselves in the man-

ner and form prescribed, that I would declare it to be my opinion that the governor of West Virginia was guilty of gross usurpation and oppression, even if every court in the land were to declare him to have been in the right. If, however, I am wrong and the governor of West Virginia acted within the law, then so much the more reason to make this investigation ascertain the extent of the wrongs wrought, and to amend the law so that the future may be secure.

Mr. ROOT. Mr. President, it is my intention to vote for this resolution, but I wish to say that I shall cast that vote without impugning or questioning the good faith or the patriotism either of the governor or of the courts of West Virginia. I do not doubt the governor of West Virginia, under very difficult and perplexing conditions, did what he believed to be the best he could for the interests of peace and order and the welfare of the people of that State. I do not doubt that the courts of West Virginia have passed upon the questions presented to them or the records before them in accordance with their sincere and honest views of what the law is. But, sir, it is possible for governors and courts to be mistaken.

Without undertaking to determine the question whether the governor and the courts of West Virginia were mistaken in this case, it appears to me that their action has been challenged by so great an authority and upon the production of such an array of unquestioned facts, that the Senate owes a duty to the Constitution and the laws to take the action which is indicated in the fourth paragraph of the resolution. That paragraph reads as follows:

> Fourth. To investigate and report all facts and circumstances relating to the charge that citizens of the United States have been arrested, tried, and convicted contrary to or in violation of the Constitution or the laws of the United States.

That points directly, sir, to a violation of the provisions of the fourteenth amendment of the Constitution, an amendment by which now almost 50 years ago it was made the duty of the National Government to see to it that its citizens should not be deprived of life or liberty or property without due process of law, and should not be denied the equal protection of the laws even by a sovereign State.

Mr. President, I do not consider this a question merely of the laws of West Virginia or the interests of its people. It seems to me as this question is presented to the Senate it rises above the interest of the litigants in West Virginia or of all the people of that State. It rises to the dignity of presenting to us the question whether we shall do our duty by those great guarantees of liberty which underlie and are necessary to the perpetuation of American freedom.

There is, sir, always motive power enough in a democracy. There is motive power enough in American democracy. The supreme necessity is the necessity of self-control, and we have imposed that upon ourselves by these great rules of freedom. We call them the limitations of the Constitution, those limitations which protect citizens against the overwhelming power of government, so that however weak and friendless a man may be, whether he works with his hands or his brain, is poor or rich, the great rules of right conduct embedded in the Constitution give to him the whole power of our Nation to protect him against the arbitrary control of government and its agents.

It is a question affecting the liberty of everyone in every State, not merely in the State of West Virginia. There have been, sir, no such fatal influences to sap the strength and destroy the practical effect of rules for the protection of liberty under such constitutions as ours as are to be found in the permission granted to great officers of state to suspend the constitutional guaranties in time of disorder. It seems to me upon what has been presented in this debate that there was furnished in the State of West Virginia grounds upon which we may well consider whether it is not our duty to enact legislation which shall draw more definitely and particularly lines about the conduct of officers who may under some circumstances and not under others suspend the constitutional guaranties.

I do not know, sir, none of us can tell now, what legislation may be indicated by a full presentation of the facts in such an investigation as the resolution provides. It may be that we shall find it desirable to define powers. It may be that we shall find it desirable to provide for the transfer of such cases to the Federal courts. It may be that we shall find it desirable to give power to call them up by writ of certiorari. It may be that we shall find it desirable to give the power to issue writs of prohibition. It may be that we shall find it necessary to impose upon the Department of Justice or upon the Executive the duty to take the initiative in order that the weak citizen may be protected in the fundamental rights of liberty that have come down to us from Magna Charta and are imposed upon the States by the fourteenth amendment, with the duty resting upon us to see that they are preserved.

For these reasons, without impugning or criticizing any of the officials of the State of West Virginia, I am for doing our duty by passing this resolution.

Mr. SHAFROTH. Mr. President, I did not expect to say anything upon this resolution, although I was upon the Committee to Audit and Control the Contingent Expenses of the Senate, to which this resolution was first referred; but we have had a condition in the State of Colorado which somewhat resembles the situation in West Virginia, and I want to say a few words with relation to it and to make a suggestion to the committee as to the inquiry that is proper and should be made.

There was a declaration of martial law made by the governor of the State of Colorado about 10 years ago. It was contended upon the part of many of the people that there was no justification whatever for it. In my judgment there was none. A case involving that question was taken to the supreme court of the State and it held, similar to the decision of the Supreme Court of West Virginia, that the declaration of the governor was supreme; that no matter if the causes for the declaring of martial law did not exist, when he proclaimed them so they did exist.

I do not believe that that decision is sound, but it received the concurrence of a majority of the judges upon that bench. One judge, however, delivered a dissenting opinion which has been considered a classic. It has been considered one of the strongest decisions ever rendered in our State.

The difficulty that occurred then was in the case of a strike. This declaration was made upon representations to the governor, and from those representations he declared martial law. The result was that great indebtedness was incurred. A bonded indebtedness of the State of Colorado, to the amount of $950,000, had to be issued in order to liquidate the expenses that were incurred by that governor.

As to the difficulty in the procedure relative to the declaration of martial law, I want to invite the attention of the committee. Gentlemen representing large corporations appear before the governor and represent a condition of affairs which, though theatening to the peace and order of society, do not justify a proclamation establishing martial law. Danger of great loss to life and property is declared to be imminent and that delay would be disastrous. The governor often is not a lawyer; he does not look into the matter closely; he relies upon the representations made, and under such pressure he signs the document that proclaims martial law over a great part of the State. Then it becomes almost impossible to remove the troops and the order for martial law until the strike is broken.

The initial difficulty lies in the fact that the governor has not looked into and has not inquired as to whether the causes for the declaration of martial law exist. When we ascertain what the law is, there is a very plain remedy to be invoked in the handling of such situations. We find that a riot does not constitute cause; I do not care how many are in the riot; they may all be armed, but that fact does not constitute a cause for the proclaiming of martial law. Under our Constitution martial law can only be legally established in case of invasion or insurrection. Those two words have been defined by the courts. An armed body of strikers upon one side and an armed body of strike breakers upon the other side do not constitute insurrection, nor does the killing of one or more persons upon either side.

The test which is made as to the existence of insurrection is whether or not there is resistance to the enforcement of the law. If the sheriff can arrest any man there, then there is no cause for the declaration of martial law; there is no insurrection. If the sheriff of the county is resisted and an attempt is made to forcibly rescue men who have been seized by the sheriff, then a cause for martial law might exist. But where there are armed bodies resisting one the other, it is not an insurrection. An insurrection means violence against the Government; it means treason against the Government; it means rebellion against the officers of the Government in their capacity as peace officers. When we hear of a riot, when we know that there are armed men upon one side and upon the other, we are apt hastily to say that is a state of war or that is insurrection; but it is not. According to the authorities that are numerous in the courts of the United States, it is resistance to the authorities, such as the attack upon or killing of an officer, or something of that kind, that clothes with authority the govern to declare martial law.

I do not believe that the governor possesses, even if martial law is declared, the power to suspend the great writ of habeas corpus and many of the other declarations of the Constitution in behalf of the protection of the citizen.

If there are armed bodies of men pitted against each other, ready to kill each other, there is a remedy to prevent bloodshed. That remedy is laid down by the authorities, and it is plain and clear. It is for the sheriff to call upon the governor, not for martial law, not to suspend all the rights which guarantee the liberties of men, but for the governor to aid and assist the civil authorities by sending the militia of his State to act under the direction and control of the sheriff. That can be done, and is frequently done. If this committee will investigate the facts with relation to this subject and go into the question as to the law, they will find that, instead of justification for martial law, there is not one occasion out of a hundred that is presented where martial law should be declared. It is only when there is a resistance to the Government, not the resistance of one body of men against another, not a conflict between bodies of men who have grievances against each other. No; the true test is resistance to the State. If there is no resistance to the State, no martial law can properly be declared.

It is true that these authorities—the one in Colorado and the other in West Virginia—say that if the governor proclaims there is a cause for martial law his decision is supreme; but it seems to me the inquiry of the committee would be very well directed toward cautioning governors against declaring martial law when they have the power vested in them, by reason of being the commanders in chief of the military forces of their States, to send aid to the sheriffs; so that nothing but the administration of the civil law will take place; so that men will be tried by juries and due administration of the courts will continue.

Mr. BORAH. Mr. President, I do not care to trespass upon the Senate again in discussing this question unless there is to be an amendment offered to strike out section 4.

Mr. BACON. I will state to the Senator—and it is proper that I should state in view of that statement—that it is my purpose to move to strike out section 4; and with that stricken out I shall be ready to support the resolution.

Mr. BORAH. Mr. President, in view of that suggestion, I will say a few words, but shall undertake to be brief.

This question, Mr. President, as was well said by the Senator from New York [Mr. ROOT], is not alone a question of labor; it is a broader question than that, and involves the duty and the obligation of the Government toward its citizens regardless of their vocation or profession in life. The Senator from Georgia [Mr. BACON] was of the opinion last evening that there was no precedent for this kind of a resolution, and was of the opinion that had such a resolution been presented some time ago, it would have caused great excitement throughout the country.

Mr. BACON. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. I yield to the Senator from Georgia.

Mr. BACON. In order that I may be set right, I will say that the latter part of the statement of the Senator from Idaho is a correct statement of what I said, but I do not think the Senator will find in my remarks any statement that there was no precedent for this proposed action, because I have not searched the records, and I could not have made such a statement broadly unless I had done so. I do not think the Senator will find in my remarks any statement to that effect.

Mr. BORAH. Perhaps I am in error as to the Senator who made the statement, but it has been declared in discussion here that there was no authority or no precedent for such a resolution.

Mr. BACON. No such declaration was made by me.

Mr. BORAH. I may be in error as to the Senator who made the statement, but the Senator from Georgia said so much upon that particular phase of the case that I drew the conclusion, perhaps, that that part of it had also been covered by his remarks.

Mr. President, if those who are interested in the precedents will look at a resolution which was introduced in January, 1900, they will find a resolution which is much broader in its terms than the resolution which is now before the Senate, authorizing the House of Representatives to make a full investigation as to the acts of the governor of Idaho, his justification for declaring martial law, the proceedings of the courts, and the acts of different officers of the State with reference to the things which were done after martial law was declared. A full hearing was had under that resolution. The governor of the State came here and was put upon the witness stand; the attorneys who represented the State were also put upon the witness stand; and the entire subject matter was investigated. The question of whether or not there were just grounds for declaring martial law and the question of whether or not the parties were properly convicted after martial law had been declared were all inquired into. If you will compare the resolution which is now before the Senate with the resolution which was then introduced, and under which the House acted, you will find that the resolution now pending is very mild in its terms compared with the terms of the resolution to which I refer, which provided for an investigation of certain conditions in the State of Idaho.

Mr. President, I am not going to discuss the question of what constitutes a just ground for the declaration of martial law nor the power of the governor after martial law shall have been declared. We discussed that a few days ago; but I desire to say in passing that it was attempted to distinguish the Milligan case by saying that there was at the time of the alleged trial of the party in Indiana no insurrection; that it was not in the military zone; and that there was no occasion therefore for the operation of martial law; but the fact is that the decision of the court turned upon the proposition, not that it was not in the military zone but that the civil courts were open, and undoubtedly established the rule that so long as the civil courts are open there is no justification for even attempting to try people by a tribunal erected under a court-martial proceeding.

I want to call attention to the decision of Mr. Justice Miller in the case of In re Murphy, which bears out that construction of the Milligan case. Murphy was arrested in New Orleans in 1865 charged with offenses which had been committed at Memphis in 1864, at a time when civil war raged throughout that part of the country. He was afterwards taken to St. Louis, where he was tried. Associate Justice Miller, who presided in the circuit where the matter was heard upon a writ, said:

> In both of these places—

That is, the place where he was arrested in Alabama and the point to which he was taken in New Orleans—

> In both of these places the courts of the United States were open and perfectly competent to the trial of any offenses within their jurisdiction. He was tried at St. Louis, in a State where the process of the courts had never been interrupted.

This party was arrested in a State where a state of war prevailed, then taken into another State where a similar condition prevailed, and finally taken to a State where it is true that condition did not prevail; but Justice Miller says that in all of these places, notwithstanding the condition which prevailed at the time with reference to civil war, the courts were open, and for that reason the party was improperly tried by a military tribunal. I call attention to that as a construction of the Milligan case by one of the Associate Justices of the Supreme Court of the United States.

Mr. CRAWFORD. It was decided after the Milligan case.

Mr. BORAH. That was decided after the Milligan case.

I freely concede the strength of the argument against the effectiveness of what we may do. With reference to releasing the particular individuals who may now be in custody, or who have been in custody, the power of this committee will perhaps be very ineffective; but we do not investigate for the purpose of determining a particular case which is pending in the courts at the time that investigation takes place, but for the purpose of preparing the facts for future legislation and to provide against future contingencies. If the investigation is held after the parties shall have been released, we will not hesitate in our investigation by reason of the fact that they have been released; but we are investigating for the purpose of preparing for future conditions or prescribing rules of conduct which may cover future contingencies.

While it may be true, as has been said by the Senator from Georgia [Mr. BACON], that after the committee have returned their report and after the Senate may have acted upon it those particular individuals may still remain in prison, it is nevertheless our duty to provide such rules and such statutes as will prevent that condition from happening again. I go further, and say that if those parties were in prison at the time when the Senate acted the Congress could undoubtedly proceed in such a way as to relieve them from imprisonment through the process of the courts under the instruction of the Congress to the Attorney General; that is, we could pass a law which would authorize him to protect in the courts the rights of citizens whose constitutional rights were being denied.

However, I do not follow the argument, Mr. President, of those who say that this is an invasion of State rights. We are not seeking to interfere with any right of the State of West Virginia. The allegation is made that the action in that State has been such as to interfere with the Federal rights of citizens of the United States. In so far as any right peculiar to the State of West Virginia is concerned, the State of West Virginia must settle it, so long as in the settlement of that right the State does not interfere with the Federal rights of the citizen; but it must be remembered that the very object and purpose of the fourteenth amendment was to impose upon the National Government the duty of supervising not the act of an individual, of looking after not the act of the citizen, but of supervising the

act of the State when the State as a State should deprive the citizen of his liberty without due process of law or deny him the equal protection of the law.

It might be well, Mr. President, to refer to the exact language of the fourteenth amendment:

SECTION 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States—

It is the action of the State which is referred to here; it is the action of the State with reference to which we may deal, and it is concerning that matter that we make the inquiry in order that we may intelligently legislate—

nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

If it be true that the State of West Virginia, in the discharge of its duties, through its officers, has done those things which have interfered with the rights of citizens of the United States, the United States should not stand idly by and say that it is the sole duty of the State of West Virginia to settle that matter. We have an obligation to perform and a duty to discharge, the same as has the State of West Virginia; and when we supervise and oversee or overrule or override the act of West Virginia, we are simply performing the duty which the Constitution of the United States has imposed upon us and to which the State of West Virginia has consented, as has every other State.

Mr. BACON. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. I yield to the Senator.

Mr. BACON. Mr. President, there can be no question whatever as to the correctness of the proposition just announced by the learned Senator from Idaho, but I submit that when the fourteenth amendment provides that no man shall be deprived of his property or of his liberty without due process of law, it means that the power of the United States Government shall be so exercised and so exerted that whenever that is attempted to be done the Government of the United States will by its proper and effective interposition nullify that act. Now, in what way does the Government make provision for the nullification of an act when under the authority of a State one is deprived of his liberty without due process of law? Is it by the resolution or the finding of Congress or of one branch of Congress, or by a judgment of the Supreme Court? When the proper methods are pursued by which that act can be nullified, those which are pointed out by the law, the Government does perform its obligation when, in pursuance of the methods which the law has pointed out, it nullifies the improper act of the State or the authorities of the State in depriving a citizen of his liberty without due process of law. The method pointed out is by an appeal to a tribunal vested with the power, not simply to assert a conclusion, but to enforce a judgment based upon that conclusion. The Senate of the United States is not the body intended by the Government of the United States for the assertion and the vindication of the fourteenth amendment of the Constitution.

Mr. BORAH. Mr. President, I stated yesterday evening, during the argument of the Senator, that it seemed to me his argument all drifted to the proposition of the propriety of the Senate doing this, rather than the fact that by doing these things we were invading any right of the State; and his argument all comes back to that proposition. But I remind the Senator of the fact that when, in the first instance, the Supreme Court of the United States undertook to review the action of the State court and to review its judgment that precise argument was made by the attorney, and he said to the Supreme Court of the United States, in effect, Suppose you enter a judgment here—who will enforce it? What will be the effect? It will be a vain and an idle thing to do.

Mr. BACON. The Senator does not mean that if the question as to the legality of this trial by a military commission were brought to the Supreme Court, and the Supreme Court should hold that it was violative of the fourteenth amendment and was null and void, that judgment could not be enforced by the liberation of the prisoner?

Mr. BORAH. No; not now. We have passed that period in the history of this country; but the time was when it was true. I remember reading in my history, in former days, where when Chief Justice Marshall rendered an opinion liberating two men in a certain State of the Union who had been convicted and imprisoned under the decision of a State court, the President of the United States said:

John Marshall has rendered his judgment, now let him execute it.

The State refused to release the men and the men remained in prison, notwithstanding the fact that the Supreme Court of the United States had held that they were there under a void judgment.

I say that time has passed; but it was just as vital a question at that time as the question now is whether the Senate of the United States can find out facts upon which to legislate concerning the protection of its citizens in the different States of the Union.

We do not propose, by virtue of the report of this committee, to do all that is to be done in regard to this matter. I apprehend that we make the inquiry in this case for the same reason that we make an inquiry in reference to a "money trust," or the violation of the Sherman law, or any other condition of affairs—to enable us to legislate, to provide against a recurring condition of affairs.

Will it be said that the Senate of the United States may send out all kinds of committees to make inquiries concerning the property rights, the material interests about which we are going to legislate, and that when a tribunal is erected which, as the Senator from Georgia says, violates the fundamental principles of this Government, we can not make an inquiry so as to legislate intelligently for the protection of citizenship?

Mr. BACON. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. I do.

Mr. BACON. I do not wish to interrupt the Senator unduly.

Mr. BORAH. I am very glad to yield to the Senator from Georgia.

Mr. BACON. With the Senator's permission, I desire to ask him the same question which I asked yesterday of the learned Senator from Utah [Mr. SUTHERLAND], whether, in the opinion of the Senator, there is any possible doubt that we now have legislation which should furnish ample opportunity for any man in any State who was tried by a military commission in violation of the fourteenth amendment to take his case to the Supreme Court of the United States and have that judgment annulled and himself set free?

I ask the Senator if, in his opinion, there is any possible doubt about the fact that we now have laws on the statute books which will perfectly accomplish that end? If so, what is the purpose of further legislation, or inquiry with a view of having further legislation?

Mr. BORAH. Mr. President, there is a protection of general citizenship or of the citizenship of all the people, aside from the question of protecting the particular individual who at the particular hour happens to come under the displeasure of this military tribunal. But I will read to the Senator a telegram I have here which throws some light upon that proposition. It is dated a day or two ago:

We have not been able to appeal from the State court to the Supreme Court of the United States because prisoners have been turned out of the penitentiary without giving us time to get into the Supreme Court of the United States. Our efforts have been thwarted in that behalf.

It seems, Mr. President, that they arrest men, they take them before a military tribunal and try them, and send them to the penitentiary for from one to five years; and when the time comes to have that action reviewed they are released from imprisonment, although they may be returned to prison within 10 days by that same military tribunal.

Does the Senator think it is any usurpation of authority for the Senate of the United States to inquire as to the exact facts, in order that that constant harassing of the citizen may cease and that the guaranties of the Constitution may be a thing of substance and not merely a shadow or a delusion?

Mr. BACON. Mr. President, the Senator and I do not in any manner differ on the proposition that this trial was an utterly illegal one, violative of every principle of government, and violative of the fourteenth amendment of the Constitution of the United States. I do not know that I could state my proposition any more broadly than I did on yesterday, or in a more unlimited expression than I used yesterday. The Senator can not go further than I can in that, although he may be so fortunate as to express himself more felicitously. But however far he may go in its condemnation, I agree with him most thoroughly that this was an illegal act; that the court was without any authority at all, and violative of all laws. But the question the Senator is discussing is not that, because we do not differ as to that. The question is as to the purpose of the investigation.

The Senator says that his purpose is—and it is the only thing which can be logically said—to find out whether or not there should be further legislation in order to protect people who may be put in a position where their rights are thus violated. When I asked the Senator the question, as a lawyer—and there is none better in this Chamber—whether he had any doubt that there are now upon the statute books laws which

will enable anyone who has his personal liberty thus violated to have his rights adjudicated and asserted and his liberty restored by a judgment of the Supreme Court of the United States, the Senator, in reply to that, read a telegram stating that these parties had been released.

If it were true that there was some question not adjudicated, some question about which he and I had a doubt or any other lawyers had a doubt, as to the legality of that court, and the opportunity for the adjudication of that question had been destroyed by the liberation of these parties, then his telegram would have been pertinent. But there is no question in the Senator's mind, and there is none in my mind, that there is now ample law for the liberation of any man thus illegally incarcerated under a judgment of an illegal court. Therefore the liberation of these parties has not taken away any opportunity of which it was valuable to take advantage. Their liberation, it is true, enables them to be free prior to the judgment of the court. It anticipates what would have been the judgment of the Supreme Court of the United States. But there has been no opportunity destroyed by their liberation to have adjudicated a doubtful question, because there is no doubtful question.

Mr. BORAH. I agree with the Senator that so far as the individual is concerned who has been incarcerated, he has his remedy if you are going to leave it to the individual to fight out this proposition by himself. But does the Senator from Georgia contend that we have not the power to provide aid and assistance to this party who may be improperly imprisoned, through directing the Attorney General of the United States or some other proper officer, under a law properly passed, to see to it himself that he does have his appeal and that he does have his protection?

Mr. President, it is almost cruel to stand here and say that with all the influence and power of the State back of these military tribunals, the citizen alone and by himself shall fight this proposition to a final conclusion. The Government of the United States may itself furnish him and his attorney with the aid and power of the Government in order to relieve him from improper imprisonment. We have not now any such provision as that so far as I know.

Mr. BACON. With the permission of the Senator from Idaho, I desire to say to him, as I said on yesterday in the discussion of another feature of this case, that that is a question of degree. If the Senator's argument is sound and the principle is correct, then it is only a question of degree as to one man's imprisonment being under circumstances which will excite our indignation more than the circumstances of another illegal imprisonment. But the principle would be the same for which the Senator contends, that whenever a man is illegally imprisoned, whenever he has had his liberty taken from him without due process of law, it would be the duty and province and office of the Federal Government to direct the Attorney General to intervene in his behalf and see that he is released.

Is that to be done whenever the fourteenth amendment is violated in all the length and breadth of this great country? Whenever a man has been deprived of his liberty without due process of law, are we to come to the point that the Government of the United States is to intervene for the purpose of seeing to his release? If it is true that it is a correct principle of law when a man has been deprived of his liberty by an illegal judgment of an illegal court—a military commission—then it is true when he has been deprived of his liberty without due process of law in any other circumstances, and it would not be confined to the State of West Virginia; but if we are to enter upon that system of paternalism, as has been suggested to me by a Senator, it would be a very wide field.

If the Senator will pardon me further—however, I will not trespass upon his time. I will end with that.

Mr. BORAH. I do not object to the Senator's statement.

Mr. BACON. I was just about to say, though I fear I would trespass upon the Senator in so saying, that yesterday when a similar line of argument was being made and the contention was made that it was perfectly competent for these parties, either by a direct appeal to the Supreme Court of the United States, or upon an appeal from the judgment of the Supreme Court of West Virginia, or by a writ of habeas corpus taken out before any Federal judge, to have his liberty restored to him, the reply was made that the party might not have sufficient money to do it. I want to say that in this case there could be no question about that. I have no doubt that right in this Chamber money enough could be had for any man who was thus incarcerated who wished to take proper measures to have his liberty restored and did not have the money to do it. I should be very glad to contribute to that end myself.

Mr. BORAH. Mr. President, this Government was not constructed upon the theory that men would voluntarily contribute to the defense of other men. It was constructed upon the theory that the Government itself as a Government should see that its citizens are protected in every part of the country. So far as the position first assumed by the Senator is concerned, I do take the position, without any hesitancy, that it is the duty of this Government to see that a man is properly cared for when he is deprived of his liberty contrary to the Constitution of the United States, and it makes no difference whether the judgment is that of a military tribunal or a court of the State.

Mr. BACON. Does the Senator mean that he would favor the passage of a law which would make it the duty of the Government of the United States, through its law officer, to undertake the case of every man who claimed that he was deprived of his liberty without due process of law and to carry his case to the courts and see to his release?

Mr. BORAH. Mr. President, I would not say that it would be true in every case where a man made that claim.

Mr. BACON. Well, where there was reasonable ground to believe that it was well founded?

Mr. BORAH. I would unhesitatingly say that if a man were actually deprived of his liberty in any State of this Union in violation of the Constitution of the United States, there ought to be a provision in our laws by which the Government itself would interpose to see that he secured his liberty. What is the Government constructed for? Is it a daydream?

The Constitution says that no State shall deprive a man of his life or his liberty or his property without due process of law or deny him the equal protection of the law. Why does it say it? It meant that the Government of the United States, if necessary, would call into action all its power to see that that was carried out.

Mr. BACON. If the Senator will pardon me, he must not stop, then, at the question of the Government interposing for the purpose of taking care of a man who has been deprived of his liberty without due process of law. In that case the Senator says that, in his opinion, there ought to be a law by which an officer of the Government should be clothed and charged with the duty of going and seeing that that man was presented in court and that he was liberated. Now, if that be true, the Senator must not stop there. He must go further and say that it is the business of the Government, whenever a man has been deprived of his property without due process of law, to step in and represent his case, and that whenever a man has not had the equal protection of the laws the Government will step in. I think in this Democratic administration I should like to have that law passed as rapidly as possible, if we are going to have it, because we would have about a thousand district attorneys in every State, and the field of patronage would be very much enlarged.

Mr. BORAH. When a proper occasion arises we should make sure all the guaranties of the Constitution.

Mr. President, I want to read from one of the justices of the Supreme Court, Mr. Justice Field, in his interpretation of the fourteenth amendment. He says:

> All history shows that a particular grievance suffered by an individual or a class from a defective or oppressive law or the absence of any law touching the matter is often the occasion and cause for enactments, constitutional or legislative, general in their character, designed to cover cases not merely of the same, but all cases of a similar nature.
>
> The wrongs which were supposed to be inflicted upon or threatened to citizens of the enfranchised race by special legislation directed against them moved the framers of the amendment to place in the fundamental law of the Nation provisions not merely for the security of those citizens, but to insure to all men at all times and at all places due process of law and the equal protection of the laws. Oppression of the person and spoliation of property by any State were thus forbidden, and equality before the law was secured to all. * * * With the adoption of the amendment the power of the States to oppress anyone under any pretense or in any form was forever ended, and henceforth all persons within their jurisdiction could claim equal protection under the laws. And by equal protection is meant equal security to everyone in his private rights—in his right to life, to liberty, to property, and to the pursuit of happiness. It implies not only that the means which the laws afford for such security shall be equally accessible to him, but that no one shall be subject to any greater burdens or charges than such as are imposed upon all others under like circumstances. This protection attends everyone everywhere, whatever be his position in society or his association with others, either for profit, improvement, or pleasure. It does not leave him because of any social or official position which he may hold, nor because he may belong to a political body, or to a religious society, or be a member of a commercial, manufacturing, or transportation company. It is the shield which the arm of our blessed Government holds at all times over everyone, man, woman, and child, in all its broad domain, wherever they may go and in whatever relations they may be placed. No State—such is the sovereign command of the whole people of the United States—no State shall touch the life, the liberty, or the property of any person, however humble his lot or exalted his station, without due process of law; and no State, even with due process of law, shall deny to anyone within its jurisdiction the equal protection of the laws.

Now, Mr. President, if that provision of the Constitution means anything at all it means that if our laws are so defective that men may be tried by military tribunals or in any other

way deprived of their liberty or denied the equal protection of the law, it is our duty to inquire and ascertain the fact and to so amend our laws and our statutes that that may not occur again.

These things go on, Mr. President, unless there is public discussion until the precedent becomes established and we become accustomed to the conduct which may deprive a party of his liberty and it becomes ingrained and ingrafted in and upon our institutions. These men have been there contending against this situation for months.

This condition of affairs has prevailed in the State of West Virginia for nearly a year. Has there been any discussion of it in the public press? In all that time I have seen but three editorials in the entire country in regard to that condition of affairs.

And yet, Mr. President, such a condition of affairs prevailed that here in the very shadow of the Capitol where we sit as the representatives of this Constitution, men were tried by a military tribunal in violation of all the principles of Government and of the Constitution which we have taken an oath to support, and not an effort was made to see that these men should enjoy what the Constitution of the United States guarantees to them.

There is no wonder, Mr. President, that in these days men sometimes think that the Government is separate and apart from the people. If men can be deprived of their liberty through a tribunal unknown to our institutions, certainly it will not be long until the respect of the people for these institutions will be utterly gone. There is no higher duty resting on the Senate to-day, in view of the turmoil and condition of affairs which prevail throughout the country, than to see that the courts are open to every man who is charged with crime or who may be arrested and detained of his liberty.

In order to legislate intelligently and fairly we must hear both sides, hear all the facts, and pass our laws upon a full investigation. What harm will be done to the State of West Virginia? What harm would be done to any State by going therein for the purpose of ascertaining a condition of affairs which is said to exist? If it does not exist the report of this committee would be an exoneration of the State and of the State officers. If it does exist, would the Senator from Georgia say we ought not to remedy it by a law which shall be effective for the protection of the citizen?

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. BORAH. Certainly.

Mr. GALLINGER. The fourteenth and fifteenth amendments to the Constitution were adopted for the protection of the political rights of citizens of the United States as well as their other rights. The Senator recalls the fact that a very exhaustive investigation took place in the year 1884, of which the late Senator Hoar was chairman, and a finding was had and a report made to the Senate which is very illuminating. Yet Congress has not by appropriate legislation protected those people in their rights.

Now, does the Senator think we will be any more fortunate in dealing with the few men in West Virginia who feel aggrieved when a million people in this country are to-day deprived of the rights guaranteed by the fourteenth and fifteenth amendments?

Mr. BORAH. I would not cite the dereliction of Congress in one instance as a reason why Congress should be derelict in another. I am not familiar with the report which was made nor the reasons why Congress has seen fit not to legislate, but I may say in answer to the Senator that if such a precedent has been established, here is another one, and pretty soon there will be no question about the proposition that the fourteenth amendment means nothing.

It seems to me, Mr. President, that there can hardly be a justification for refusing to support this subdivision of the resolution because in the past Congress for some reason, why I do not know, has not seen fit to act. Perhaps the Senator knows why it did not. I know I do not.

Mr. President, I am not going to discuss the other features of this matter, because it is late and the desire to vote upon this measure I know prevails throughout the Senate. I only want to say that section 4 is the one section which interested me in this controversy. I can submit to any other proposition, because I think it would be a temporary matter, except that of denying the right of a citizen to a trial before a common-law court and before a jury. When it was asserted and practically admitted that that was true, I could but believe that this was a matter which ought to be investigated, and if the facts are as alleged, something should be done in the way of legislation to prepare for the future. I believe it our duty to fairly and fully secure all the facts on both sides and then determine what, if anything, Congress should do by way of legislation.

If section 4 is to go out, so far as the other investigations are concerned, in my opinion they are merely incidental to the question.

Mr. POMERENE. Mr. President, I am going to vote for this resolution. There is, in my judgment, no question about our constitutional authority to pass it. Neither have I any question as to the expediency under all the circumstances. It seems to me if I were one of the Senators from the great State of West Virginia and took the view of this controversy that they do, I would vote for the resolution. If the facts are as they contend them to be, and if these men have been tried in conformity with the laws in the name of their great State, it seems to me that they would invite this investigation. If, on the other hand, these men have been improperly convicted, have been denied the right of trial by jury, have been called before a military commission when there was no just reason for the organization of the commission, then our duty in the premises can not be questioned.

If this were the last labor controversy that we were to have in this country, it might be wise to draw the veil and close it from view, but in this great industrial country of ours, when we know from past experience that we will have these disputes whether they are due to one cause or to another, it seems to me that now is the time to investigate the situation as it was in West Virginia in order that we may learn a lesson therefrom.

The other day in the discussion of this subject the junior Senator from West Virginia [Mr. GOFF] referred to the recent strike in the city of Cincinnati in these words:

> I assume that the conditions are very similar, and I think if we had authorities in New Jersey that would put an end to the violence that exists there and the destruction of life and property, it would be well to have that authority invoked; just as I think when the mayor of Cincinnati appealed to the governor of Ohio, when the police force of the city of Cincinnati proved utterly inadequate to cope with the desperadoes who were destroying lives and property there, there ought to have been relief furnished by the governor of Ohio by sending militia to that great city. That is my judgment.

No one else seems to have heard of any lives being destroyed there.

On the same day my very good friend, the distinguished Senator from New Hampshire [Mr. GALLINGER], used this language:

> If the governor of Ohio and the governor of New Jersey would take a lesson from the governor of West Virginia concerning those regions where strife has prevailed and where insurrection in fact exists in those States and issue their martial-law orders, there would be peace in the great city in the Valley of the Ohio, as well as in that industrial center in New Jersey.

Mr. President, at the very time the distinguished Senators from New Hampshire and from West Virginia were giving their advice to the governor of Ohio to declare martial law and to send the military forces to Cincinnati the representatives of the contending forces were then engaged in a council which on the very night of that day led to the cessation of all differences and ended in an agreement for the settlement of their contentions.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. POMERENE. Certainly.

Mr. GALLINGER. And on the very morning of the day on which I made those observations—and I did not intimate that I was in favor of suspending the operations of the courts—on that very morning the newspapers chronicled the fact that lawless men had been throwing steel beams and other heavy material on a street car in the city of Cincinnati, injuring the passengers and destroying the property of the corporation.

Mr. POMERENE. The facts are, as I understand them at this distance, that there was a strike. There were certain differences between employees and employers. The street cars were stopped; for some days they did not operate, and during that time it does seem that there were some missiles thrown and that the running of cars was interfered with. I think that some missiles were thrown from a high building, perhaps. There were no lives lost. There was no personal violence. And yet under those conditions the Senators wanted the military.

The mayor of the city of Cincinnati, having the view of the situation he did, did make a call for troops. The governor of the State of Ohio having the view of the situation as he had it, did refuse to send the military. Both these men—and I have the honor of the acquaintance of both of them—are men of the highest character, consecrated to their official duty, and I will do both of them the credit of saying that I believe each of them

thought he was doing his duty as he saw it under the circumstances.

Yet it would seem from the events as they actually occurred that the governor of the great State of Ohio was right in declining to send the military to the city of Cincinnati, and now the entire controversy is settled.

On the morning of May 20, which was Tuesday following the discussion here in the Senate, the Cincinnati Enquirer had these headlines:

Strike has been settled and cars will run to-day; company recognizes union. Pact signed by both sides. Representatives of the carmen and Cincinnati Traction Co. announced after a conference, which was ended at a late hour, that terms satisfactory to all concerned had been agreed upon by them. Action of the leaders unanimously indorsed by strikers when report was read at meeting; employers follow suit and arrangements were at once made to open up all lines.

And this was the settlement that was being made when the advice was given to send the military to Cincinnati. In view of the fact that the Senator from West Virginia and the Senator from New Hampshire presumed to give advice to the governor of Ohio, may the junior Senator from Ohio presume to give a little advice to the governor of West Virginia and suggest to him that hereafter he be not so insistent upon sending the military? For myself I prefer the conduct of the governor of Ohio to the conduct of the governor of West Virginia.

Mr. President, under the circumstances, in view of the fact that the distinguished governor of a sovereign State was criticized upon this floor, and unjustly so, as the facts developed, I feel that I ought to present to the Senate the governor's own statement with respect to that situation. I therefore send to the desk this letter from Gov. Cox, and ask that it be read as a part of my remarks.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

STATE OF OHIO, EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR,
May 22, 1913.

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have noticed newspaper reports of a discussion in the United States Senate of labor strike troubles, in the course of which Senators GOFF, of West Virginia, and GALLINGER, of New Hampshire, criticize my action in refusing to send troops to Cincinnati at the time of the street railway strike.

I am personally indifferent to the intemperate observations of the two Members of your body, except the thought that if there were any doubt in my own mind about the propriety of my conduct it would be entirely removed by the senatorial evidence of disapproval.

However, consideration for the State of Ohio suggests that the facts in the case be given prominence equal to that received by the misrepresentation.

When the call for troops came the mayor was advised that whenever the disorder was beyond the control of the maximum resources of the local government troops would be dispatched without delay and the peace, good order, and dignity of the State maintained. The suggestion at the same time was made that since the public was not riding in the cars and no utility was created they might very well be run into the car barns and kept there until the acute stage was passed. This was done, and within a few hours, the immediate menace of troops withdrawn, the city was in quiet, and arbitration, the sole resort of either contending party, spurred on by an insistent public opinion, was under way. Two days later, on Monday, at the very hour that the Senators from West Virginia and New Hampshire, respectively, were making their contribution to public records, the agreement of peace was being written in Cincinnati. The Tuesday morning papers, which carried Washington stories of the senatorial slander against an orderly and peace-loving State, also in bold headlines announced the settlement of the strike, and displayed in conspicuous manner interviews with street railway officials, labor leaders, and representative citizens, all satisfied with the outcome. This was in such marked contrast to the scenes so familiar to the Senator from West Virginia that one can easily understand his resentment against a civilized and humane industrial condition which might sweep eastward over the Ohio River and wipe out a situation that has been a disgrace to the Republic for 20 years. In Ohio we court the intelligent criticism of our sister States, but we look with pity, rather than resentment, upon the lamentations of one whose political and industrial standards grew out of a condition made abhorrent in memory by the brutal tyranny of government over human rights.

Very truly, yours,
JAMES M. COX.

During the delivery of Mr. POMERENE's speech,

Mr. SMOOT. Will the Senator from Ohio yield for just a moment? I have to leave the Chamber.

Mr. POMERENE. Certainly.

Mr. SMOOT. It is evident that it will be too late to take up Senate resolution 19 for consideration to-night after this matter is disposed of. I now give notice that on Thursday, after the routine morning business, I shall move that the Senate proceed to the consideration of Senate resolution 19.

After the conclusion of Mr. POMERENE's speech,

Mr. GALLINGER. Mr. President, the Senator from Ohio [Mr. POMERENE] would not on his own responsibility have made this contribution to the discussion to-day, because a rule of the Senate would have prevented him from doing so. The governor of Ohio is at liberty to make any observations concerning me that he chooses, and I will feel at liberty to form any opinion concerning that official that I see fit to form.

Mr. STONE. Mr. President, with all due respect and kindliness of feeling for the Senator from Ohio [Mr. POMERENE] and with great respect for the governor of his Commonwealth, I do make a protest against the introduction of a communication that is in the nature of a criticism—I am attempting to use moderate terms—of what is said by Senators on the floor of this body by gentlemen outside of this body, even though they may hold important public positions. I do not by that mean to say that the Members of the Senate are not open to criticism; they are; but I can not approve of having any man outside the Senate, through the intervention of a Senator, make a speech in the Senate criticizing the utterances of a Senator. I think it is in violation of the rules of the Senate, and I hope it will not be repeated.

Mr. LODGE. Mr. President, I am very glad that the Senator from Missouri [Mr. STONE] has called attention to this matter as he has done. The rule of the Senate provides that—

No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

The next clause of the rule is that—

No Senator in debate shall refer offensively to any State of the Union.

Mr. President, those rules are essential to the proper conduct of debate in this body. I do not think I ever knew them violated here, but if the utterances of others outside of the Senate, which violate both those rules, can be introduced, read here, and placed in the RECORD the rules cease to have any meaning. I do not think a letter of the character of that which has been read, reflecting on two Senators and two States, ought to remain in the RECORD.

Mr. GOFF. Mr. President, I will leave it to the Senate to determine who has used intemperate language; I submit to the Senate the decision of the question who has violated the dignity of this Chamber or the honor of a State. If there have been utterances of that character upon this floor, they have escaped me; but there has just been read before this Chamber a communication which is an insult to the Senate and a degradation to the State of Ohio. I submit that statement without fear of successful contradiction. I am surprised that the Senator from Ohio [Mr. POMERENE] should introduce such a communication to the Senate.

At the very time referred to in the communication, where allusion is made to the headlines of a Cincinnati newspaper, at the very time the governor says—and his statement meets the approval of the Senator from Ohio—that peace was being arranged and that honorable men were meeting in conference for that purpose, and that at last they succeeded, what do the journals of the State of Ohio say and what do the people of the State of Ohio say? They say, "Yes; an agreement was reached, but how?" The great power of a great city was held in the palm of the hands, if you please, of insurrection, and a great governor of a great State refused aid to that community. In that situation—the power of a mob controlling a city, the prayer of the mayor thereof being repudiated, a governor withholding the power of the law that he had but recently registered an oath to support—is it any wonder that the corporations involved, the men who owned the property through which flame had swept and destruction was threatened, realizing that they had no support from the State or the city, should acquiesce in the adjustment that we have been told about? It is acquiescence of that character, Mr. President, that has led this country—Ohio and West Virginia included—to the very verge of anarchy.

It makes a great deal of difference whose ox is gored. The governor of Ohio is not a stranger to martial law. It has only been a few weeks since the present governor of Ohio issued a proclamation of martial law. Only a few weeks since in a district afflicted by an unprecedented misfortune, toward which the sympathy and the heart of mankind went out, what did he do? When the rioter was there, when the looter was there, and when confusion reigned supreme, the governor issued his proclamation declaring martial law in the flooded districts, thereby temporarily suspending the authority of the civil law. I am not complaining of that; it was right. He realized that it was right. The military officers and the militia paraded the streets of the cities, stopped people, arrested citizens, and suspended the power of the local authorities, but maintained order and protected the communities. It was right; the exigency and the hour demanded it; the preservation of society required it. But in Cincinnati we are told the situation was entirely different. Yes; the shoe was on the other foot. There, in a great city where half a million people live, but where confusion reigned supreme, where law was trampled in the dust, where the majesty of the law was defiantly denounced, business sus-

pended, and property destroyed, the governor, who could under relatively easy circumstances issue his martial-law proclamation and send his militia into the field, said: "Nay, nay; verily I will not." Why? Because a very different state of affairs prevailed. The people, the corporations, if you please, which so largely contributed to the making of the city what it is, were in a controversy with—what shall I call it?—the idiosyncrasies of labor. It was a dangerous situation to meddle with, but dangerous only in the future.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Missouri?

Mr. GOFF. I do.

Mr. STONE. Mr. President, I think the criticism I made a little while ago of the letter introduced by my friend from Ohio [Mr. POMERENE] is equally applicable to what the Senator from West Virginia is saying. I think one is just as much subject to objection under the rules of the Senate as the other. To attack the governor of a State and the authorities of a State——

Mr. GOFF. I am criticizing the conduct of the governor of the State; that is what I am doing.

Mr. STONE. I can not see what that has to do with determining the question before the Senate. It seems to me to be wholly out of place and not at all in accord with the proprieties of the occasion or the rules of the Senate. So I hope the Senator will not continue.

Mr. GOFF. Mr. President, if I had without cause injected into this discussion the remarks I have just submitted, as the governor of Ohio injected himself into this controversy, then I might have been subject to the criticism of the Senator from Missouri; but when I simply reply to the unjust attack of the governor of Ohio upon the Senator from New Hampshire and myself, and to his unfounded aspersions upon the State of West Virginia and her governor, surely I violate no rule of the Senate, no precept of propriety. I would be less than human if I did not resent the misrepresentations contained in the communication presented by the Senator from Ohio. So far as I am concerned, the Senate can dispose of the matter as to it seems proper.

Mr. KERN. Regular order!

Mr. POMERENE. Mr. President, if I have in any way violated the proprieties of this Chamber, no one regrets it more than I. I am not convinced that I have so violated them. The Senators to whom I referred did not hesitate to refer to the great State of Ohio and to the conditions which prevailed there and to the conduct of her chief executive in such a way as to reflect in a very severe degree upon the conduct of our distinguished governor. I did not feel when I presented that letter that it was different in kind or in degree from the utterances which were made by the Senators themselves.

Mr. President, I do not intend to carry on this discussion very much further, except to say this: The Senator from West Virginia referred to the settlement of the strike because there was nothing else to do, in view of the fact that the governor of that great State failed to send the necessary protection.

I happen to have before me a statement that was issued by the general manager of the Cincinnati Traction Co. I am not going to weary the Senate by reading that entire statement, but there is just one sentence to which I wish to refer. He says:

> I believe that the influence of Gov. Cox was also useful at the last in aiding to bring about the final result.

What was it about which this governor had so offended? Not that he refused aid; not that he said that the military would not be sent if the conditions were such as to justify it, but he felt that the civil arm of the government had not been exerted to its utmost, and for that reason he declined to send the military branch of the service; and in that I think he was right.

Mr. BACON. Mr. President, I do not intend to detain the Senate to repeat anything I said on yesterday, when the Senate was kind enough to listen to the views I then expressed. I propose to offer an amendment to strike out the fourth paragraph of this resolution.

I simply wish to say in this connection, repeating what I said yesterday, that I entirely condemn the action of the State authorities in the creation of this court-martial or military commission and in the trial of these men. I think it was utterly illegal. I am not indifferent to the fact that that illegality should be corrected. I am not in doubt of the fact that the law already exists, and the method by which that correction is to be made is already well known, and that that method is by a judgment of the Supreme Court of the United States, and not by any resolution or conclusion which may be adopted or reached by the Senate.

I am not in favor of an investigation of the official acts of a State or the authorities of a State unless it is a case of absolute necessity to do so, and when there is no other way through which the end may be accomplished. As the end can be accomplished in this case and every other similar case by the judgment of the Supreme Court, I am not in favor of the invasion of the State for the purpose of having its official acts examined by a committee of the Senate.

I will simply add that what has occurred in the Senate in the last half hour must impress every Senator with the fact that if we are to enter upon the examination of the official acts of the authorities of every State who may contravene what we may think to be proper in the matter of the issuance or nonissuance of an order for martial law, or anything done under it, we have entered upon a most interminable enterprise; and it will not be limited to one State or to a dozen, but will affect every State in the Union.

It is for that reason that I move to amend the resolution reported by the committee by striking out the fourth subdivision of it. I will say that while there are reasons why I might hesitate to give my support to the other sections of the resolution, of which there are six, I believe, because there is a remedy which might be applied in each case, on account of the prominence given to this matter and the importance which is attached to it I am willing to support the other six sections of the resolution, and will do so if the fourth section is stricken out.

Mr. KERN. Mr. President, one word in conclusion. I desire to say that, in my judgment, of all the seven propositions contained in this resolution the one of the highest importance to the public and to the country is the fourth; and I hope the motion of the Senator from Georgia will not prevail.

Mr. CHILTON. Mr. President, not exactly in conclusion, because I want to explain my vote upon the resolution, I repeat what I said at the beginning of this discussion; it is somewhat embarrassing to me, because I differ in politics from the entire administration, both judicial and executive, of the State of West Virginia.

If any man will take the resolution as it now is and compare it with the resolution as originally introduced he will see that there is a vast difference in the scope of the proposed inquiry, especially as to section 4, now under consideration. In the original resolution it provided that the committee should investigate whether or not the laws of the United States had been violated. In my opinion that is almost insulting to a State. But as it is now framed, directing the committee to investigate and report all facts and circumstances relating to the charge that citizens of the United States have been arrested, tried, and convicted contrary to or in violation of the Constitution or the laws of the United States, it is entirely a different matter, and, in my judgment, contains about all the virtue there is in the resolution.

The Department of Justice can investigate peonage, and has done it. It can investigate whether or not the immigration laws of the United States have been violated, and has done it. It can investigate every subject that is embraced in the seven branches of the resolution except the fourth. That one, I submit, can not be investigated unless it shall be investigated by the legislative branch of the Government.

I stated in the beginning of this discussion that if this resolution should take the regular course, if it should be properly referred to a committee and both sides of the matter should be heard, and if a favorable report should come in and, in the opinion of that committee these matters should be investigated, I, representing in part West Virginia, should not object. I still stand by that, and as we have here now a unanimous report from the Committee on Education and Labor, I do not intend to oppose the resolution unless, sir, the fourth clause should be stricken from it. In that event I shall consider it proper to vote against the resolution as a whole.

A great many things have been said on this floor. I can not go back and correct them. I can not interject here and there facts which have been omitted in the discussion. But I want the Senate to know that, so far as I am concerned, both in West Virginia and here, I have never defended nor excused the decision of the Supreme Court of Appeals of West Virginia upholding the conviction of men in West Virginia under the declaration of martial law. I am sorry to disagree with my distinguished colleague upon that subject, but I do disagree with him. I think those men were improperly convicted. I think the Supreme Court of the United States will hold that they were improperly convicted when the matter is taken to that tribunal. But, so far as I am concerned, I think if anything should be investigated the Senate should investigate all the facts connected with that matter, because if that is the law in the State

of West Virginia I certainly want something done to correct what I consider to be a deprivation of the rights of the citizen.

With this explanation, Mr. President, the matter may go to a vote so far as I am concerned.

Mr. GOFF. Mr. President, a short explanation. If the amendment suggested by the Senator from Georgia [Mr. BACON] is adopted, it will be in exact accord with the theory I have taken from the beginning of this discussion. I have maintained that the Senate should not investigate the action of the State of West Virginia; that it should not investigate the action of its governor; that it should not investigate the decisions of its courts; that we have ample provision in our laws by which all of that can be reviewed and corrected if erroneous. The Senate will bear me out that that, in substance, has been my contention. I am glad there are some Senators upon the floor who agree with me in that contention.

I go further; I differ, also regretfully, with my colleague. If the fourth section is eliminated and the State is no longer to be interviewed, so to speak, or to be investigated by this committee, I can see no objection to investigating the riot or the strike or the matter of peonage or anything else, if the Senate should deem it proper to do so. Therefore I shall vote for the amendment, and, if carried, I shall vote for the resolution. If the amendment should be defeated, as matters now stand I shall vote against the resolution.

Mr. SUTHERLAND. Mr. President, upon the amendment of the Senator from Georgia [Mr. BACON] I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is upon the amendment of the Senator from Georgia [Mr. BACON] proposing to strike out the fourth clause of the resolution, which clause the Secretary will read.

The Secretary read as follows:

Fourth. Investigate and report all facts and circumstances relating to the charge that citizens of the United States have been arrested, tried, and convicted contrary to or in violation of the Constitution or the laws of the United States.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. JACKSON]. If at liberty to vote, I should vote "nay."

Mr. KERN (when Mr. CLAPP's name was called). I am authorized to say that the Senator from Minnesota [Mr. CLAPP], if present, would vote "nay." He is necessarily absent.

Mr. FALL (when his name was called). Upon this particular resolution, and all questions pertaining to it, I am paired with the senior Senator from North Carolina [Mr. SIMMONS]. I therefore withhold my vote.

Mr. FLETCHER (when his name was called). I am paired with the junior Senator from Wyoming [Mr. WARREN]. I do not know how he would vote upon this question. If he were present, I should vote "yea."

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN] and will therefore withhold my vote.

Mr. JAMES (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS]. I transfer that pair to the junior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "nay."

Mr. KERN (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BRADLEY]. If I were at liberty to vote, I should vote "nay."

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. MCLEAN]; but I understand that if he were present he would vote as I shall vote on all matters pertaining to this measure. Therefore I shall vote. I vote "nay."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. Knowing that he would vote as I will, I will exercise the privilege of voting. I vote "nay."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is absent from the city on business. I desire this announcement to stand for all the votes that may be taken.

The roll call was concluded.

Mr. KERN. I was requested to announce that the Senator from Oregon [Mr. CHAMBERLAIN] is unavoidably detained from the Senate.

Mr. SHEPPARD. My colleague [Mr. CULBERSON] is necessarily absent. He has a general pair with the Senator from Delaware [Mr. DU PONT].

Mr. OLIVER. My colleague [Mr. PENROSE] is necessarily absent. If he were present, he would vote "nay." He is paired with the Senator from Mississippi [Mr. WILLIAMS].

Mr. OVERMAN. My colleague [Mr. SIMMONS] is necessarily absent. He has a general pair with the junior Senator from Minnesota [Mr. CLAPP].

Mr. GALLINGER. I have been requested to announce that the junior Senator from Maine [Mr. BURLEIGH] is paired with the Senator from Tennessee [Mr. LEA], and that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Texas [Mr. CULBERSON].

Mr. REED (after having voted in the negative). I have a pair with the Senator from Michigan [Mr. SMITH]. When I voted I did not know that he was absent from the city and I voted inadvertently. I have, however, been informed by his colleague that if he were present he would vote as I have already voted. Under those circumstances, and with this explanation, I will allow my vote to stand.

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is necessarily absent from the Chamber. If he were present, I think he would vote "nay."

Mr. KERN. I will transfer my pair with the Senator from Kentucky [Mr. BRADLEY] to the Senator from Oregon [Mr. CHAMBERLAIN] and vote. I vote "nay."

The result was announced—yeas 10, nays 59, as follows:

YEAS—10.

Bacon	Catron	Smith, Ga.	Tillman
Bankhead	Goff	Stone	
Bryan	Overman	Thornton	

NAYS—59.

Ashurst	Hollis	Nelson	Shively
Borah	Hughes	Norris	Smith, Ariz.
Brady	James	Oliver	Smith, Md.
Brandegee	Johnson, Me.	Owen	Smith, S. C.
Bristow	Johnston, Ala.	Page	Smoot
Burton	Jones	Perkins	Sterling
Clark, Wyo.	Kenyon	Pittman	Sutherland
Clarke, Ark.	Kern	Pomerene	Swanson
Colt	La Follette	Reed	Thomas
Crawford	Lane	Robinson	Thompson
Cummins	Lewis	Root	Townsend
Dillingham	Lodge	Saulsbury	Vardaman
Gore	Martin, Va.	Shafroth	Walsh
Gronna	Martine, N. J.	Sheppard	Works
Hitchcock	Myers	Sherman	

NOT VOTING—27.

Bradley	Fall	McLean	Simmons
Burleigh	Fletcher	Newlands	Smith, Mich.
Chamberlain	Gallinger	O'Gorman	Stephenson
Chilton	Jackson	Penrose	Warren
Clapp	Lea	Poindexter	Weeks
Culberson	Lippitt	Ransdell	Williams
du Pont	McCumber	Shields	

So Mr. BACON's amendment was rejected.

Mr. BACON. I now ask that the vote may be taken separately upon the several resolutions. [Cries of "Oh, no!"] I have the right to make the request.

Mr. SMOOT. Unquestionably the Senator has the right.

Mr. BACON. I am not going to call for the yeas and nays on them.

Mr. CLARK of Wyoming. The yeas and nays have been ordered.

The VICE PRESIDENT. The Chair is in doubt as to what the Chair should do. The yeas and nays have been ordered on the substitute resolution reported by the committee.

Mr. BACON. I do not think that the ordering of the yeas and nays on yesterday has any force to-day. I do not think there is any order of the yeas and nays on any proposition except the one that has just been voted on.

The VICE PRESIDENT. The Chair understands——

Mr. BACON. If there is no yea-and-nay vote called I shall not ask for a separate vote, but if there is a yea-and-nay vote called I shall do so, because, while I can not vote for the fourth resolution, I am ready to vote for the other sections. If no yea-and-nay vote is called on the general proposition, I am willing not to press my demand for a separate vote.

Mr. CLARK of Wyoming. Mr. President, the yeas and nays were ordered on yesterday.

Mr. BACON. In my opinion, and I have adhered to that opinion for years and have so expressed it on the floor——

Mr. CLARK of Wyoming. If the Senator will read the order that was made on yesterday, I think he may modify his view as to this particular case.

Mr. BACON. I do not think I will.

Mr. CLARK of Wyoming (reading):

Mr. ASHURST. I ask that when the vote is taken it be taken by yeas and nays.

* * * * * * *

[The yeas and nays were ordered.]

Mr. BACON. That is not the way in which the yeas and nays are called for.

Mr. CLARK of Wyoming. It is the way they were called for at that time.

Mr. BACON. When a Senator calls for the yeas and nays the demand is in the nature of a motion.

Mr. CLARK of Wyoming. The Vice President said:

The Senator from Arizona demands the yeas and nays upon the adoption of the resolution.

[The yeas and nays were ordered.]

Mr. BACON. But the Constitution says that the yeas and nays, when ordered upon the demand of one-fifth of those present, shall be entered upon the Journal. It evidently contemplates that those who were about to vote shall order the yeas and nays. We have measures here which sometimes run in the Senate for a whole month, and if that construction were adopted it would be competent for those to order the yeas and nays who would not be present when the vote was taken. That is not according to the contemplation of the Constitution. The contemplation of the Constitution is that one-fifth of those who are going to vote shall demand the yeas and nays, and that they shall be entered on the Journal, not that a month ahead of the time one-fifth shall second the demand for the yeas and nays and then a month after that, when the question comes to a vote, it shall be taken with possibly no single person who had ordered the yeas and nays present.

Mr. STONE. If the Senator will permit me, I have seen the contrary rule followed here frequently, and I supposed it was the established procedure of this body. If now a new demand for the yeas and nays were permissible and the yeas and nays should be ordered, debate might go on after that before the calling of the roll was commenced; it might run on indefinitely notwithstanding the yeas and nays had been ordered. It might run on 10 minutes; it might run on 10 hours——

Mr. LA FOLLETTE. Or 10 days.

Mr. STONE. Or 10 days; but at the conclusion of the debate, the yeas and nays having been ordered, it seems to me they should be taken.

Mr. BACON. That has been a mooted point. I know that has been the rule in some instances, and in other instances, for the purpose of avoiding the very thing the Senator from Missouri has suggested, the yeas and nays have again been called for and ordered. The RECORD will show that fact. I have a distinct recollection of instances in which that was done. I have no objection to a demand for the yeas and nays, but if the yeas and nays are ordered I want a separate vote on the different provisions of the resolution.

Mr. CHILTON. I should like to ask the Senator from Georgia if the order for the yeas and nays could not be set aside now by unanimous consent?

Mr. LODGE. It can be rescinded, of course. If the Senator who demanded the yeas and nays asks leave to withdraw his demand, by unanimous consent it can be withdrawn.

Mr. BACON. Undoubtedly.

Mr. ASHURST. Mr. President, although against my own inclination, I ask unanimous consent that the order for the yeas and nays may be rescinded. I could not insist further upon the yeas and nays when it is perfectly obvious to all that the roll call just had shows the resolution will safely carry. Therefore, in view of the roll call just had, it does seem to me that I would, to say the least, uselessly and for no real practical purpose, cause the Senate much inconvenience by now insisting upon a further roll call at this late hour.

The VICE PRESIDENT. The Senator from Arizona asks unanimous consent that the order heretofore entered for the yeas and nays be rescinded. Is there any objection? The Chair hears none, and the order is rescinded.

Mr. STONE. Mr. President, before the motion is put by the Chair on the passage of the resolution, without the yeas and nays, I desire to say a word or two. I voted for the amendment offered by the Senator from Georgia. I do not believe in the wisdom or the policy of the Government of the United States entering at pleasure upon the work of investigating the acts of a State. I do not think that a State is a mere province. I think it is a sovereignty. I do not like the thought embodied in the fourth resolution. It is obnoxious to me. Nevertheless, I intend, with great misgivings and doubt as to the wisdom of that particular part of the resolution, to vote for the resolution as proposed.

Mr. OVERMAN. Mr. President, it seems that it may take as long to make these explanations as to call the roll. I simply want to say that I am heartily in favor of every one of the resolutions except the fourth, which I voted against.

Mr. ASHURST. Mr. President, the speeches in behalf of the adoption of this resolution have uniformly been so clear and convincing that it would be a work of supererogation for me to add anything further; but I now embrace the opportunity most emphatically to record myself as being in favor of this resolution and investigation, and in favor of each and every subdivision of this resolution.

Had the duty of drafting the resolution been assigned to me, I should have made the resolution, if possible, even more searching and drastic than it is in its present form.

Mr. GALLINGER. Mr. President, I rise simply to say that if I had an opportunity to record my vote it would be in favor of the resolution.

The VICE PRESIDENT. The Senator from Georgia has called for a division of the question.

Mr. BACON. I withdraw that call.

Mr. GALLINGER. The question then is upon agreeing to the resolution.

The VICE PRESIDENT. The question is on the adoption of the resolution reported as a substitute by the Committee on Education and Labor.

The resolution was agreed to, as follows:

Resolved, That the Senate Committee on Education and Labor is hereby authorized and directed to make a thorough and complete investigation of the conditions existing in the Paint Creek coal fields of West Virginia for the purpose of ascertaining—

First. Whether or not any system of peonage has been or is maintained in said coal fields.

Second. Whether or not postal services and facilities have been or are interfered with or obstructed in said coal fields; and if so, by whom.

Third. Whether or not the immigration laws of this country have been or are being violated in said coal fields; and if so, by whom; and whether or not there have been discriminations against said coal fields in the administration of the immigration laws at ports of entry.

Fourth. Investigate and report all facts and circumstances relating to the charge that citizens of the United States have been arrested, tried, and convicted contrary to or in violation of the Constitution or the laws of the United States.

Fifth. Investigate and report to what extent the conditions existing in said coal fields in West Virginia have been caused by agreements and combinations entered into contrary to the laws of the United States for the purpose of controlling the production, sale, and transportation of the coal of these fields.

Sixth. Investigate and report whether or not firearms, ammunition, and explosives have been shipped into the said coal fields with the purpose to exclude the products of said coal fields from competitive markets in interstate trade; and if so, by whom and by whom paid for.

Seventh. If any or all of these conditions exist, the causes leading up to such conditions.

Said committee, or any subcommittee thereof, is hereby empowered to sit and act during the session or recess of Congress, or of either House thereof, at such time and place as it may deem necessary; to require by subpœna or otherwise the attendance of witnesses and the production of papers, books, and documents; to employ stenographers, at a cost not exceeding $1 per printed page, to take and make a record of all evidence taken and received by the committee and keep a record of its proceedings; to have such evidence, record, and other matter required by the committee printed; and to employ such other clerical assistance as may be necessary. The chairman of the committee or any member thereof may administer oaths to witnesses. Subpœnas for witnesses shall be issued under the signature of the chairman of the committee or subcommittee thereof. Every person who, having been summoned as a witness by authority of said committee or any subcommittee thereof, willfully makes default, or who having appeared refuses to answer any questions pertinent to the investigation herein authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

The expenses thereof shall be paid from the contingent fund of the Senate on vouchers ordered by said committee, signed by the chairman thereof, and approved by the Committee on Contingent Expenses.

Mr. KERN. I move that when the Senate adjourns it shall adjourn to meet on Thursday at 2 o'clock p. m.

The motion was agreed to.

Mr. MARTINE of New Jersey. I move that the Senate adjourn.

The motion was agreed to; and (at 7 o'clock and 15 minutes p. m.) the Senate adjourned until Thursday, May 29, 1913, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 27, 1913.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in heaven, that thou hast made us progressive beings, that nothing less than the best will satisfy our longings, hopes, and aspirations, since it is the dynamo which moves the car of progress and promises perfection for the individual, for the race. And we thank Thee that possession in the material, intellectual, moral, or spiritual life is never fully enjoyed until we begin to share our possessions with others. Help us to realize that when we shall have reached the end of our earthly existence it will not be the wealth, wisdom, or power which we may have attained but the full, rounded-out character